Quarterly Report

OF THE

ATTORNEY GENERAL

OF

ALABAMA

FOR THE PERIOD

FROM APRIL 1, 1974

THROUGH JUNE 30, 1974

WILLIAM J. BAXLEY, Attorney General

VOLUME 155

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QUARTERLY REPORT

of the

ATTORNEY GENERAL

of

ALABAMA

For the Period

From April 1, 1974

Through June 30, 1974

TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS OF ALABAMA:

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from April 1, 1974, through June 30, 1974, is published in compliance with the provisions of Title 55, Section 228, Code of Alabama 1940.

Under this section of the Code, I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. The section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The office of the Attorney General is anxious to render prompt and efficient service to the State, County, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

WILLIAM J. BAXLEY

Attorney General

OPINIONS

INDEX

QUARTERLY REPORT OF THE ATTORNEY GENERAL FOR THE PERIOD FROM APRIL 1, 1974 THROUGH JUNE 30, 1974

— A —

ARRESTS:
Person arrested and intoxicated may not be held in confinement for an arbitrary six hours if he gives bail 38

AUCTIONEERS:
Duties of Board of Auctioneers discussed generally 18

Procedure for collecting and disposing of county auctioneer's license fee 47

— B —

BAIL:
Person arrested and intoxicated may not be held in confinement for an arbitrary six hours if he gives bail 38

BALDWIN COUNTY:
County board of health regulation, prohibiting sale of unpacked meat and cheese without food handling permit, is valid and enforceable 28

BOARDS OF EDUCATION:
Officers or employees of the state, county, or city, are entitled to leave with pay to attend National Guard summer camp 35

Candidate for State Board of Education may spend up to $10,000 of his personal funds, exclusive of advertising, for election campaign 36

BOARDS OF REGISTRARS:
Crimes of moral turpitude discussed 30

BONDS:
Separate appeal bond is required in addition to peace bond; proceedings before magistrate to keep the peace 25

— C —

CANDIDATES:
Civil Service Act of Tuscaloosa, prohibiting employee political activity, is constitutional 12

County employees or persons related by blood or marriage to candidates are not prohibited from being election officials 34

CIRCUIT COURT CLERKS:
Crimes of moral turpitude discussed, as pertains to Boards of Registrars 30

CIVIL PROCEDURE:
Long-arm service against out of state defendants 20

CONTROLLED SUBSTANCES ACT:
Conviction under the Act does not constitute moral turpitude 30

CORRUPT PRACTICES ACT:
State Board of Education is state elective office, as defined in Corrupt Practices Act 36

COUNTIES:
County may impose occupational tax for school purposes without a referendum 16

Fee for physical exam required by Minimum Standards Act should be paid for by applicant 24

— D —

DISTRICT ATTORNEYS:
Deputy D.A. holds office of profit; may not serve as recorder of city; acceptance of second office of profit vacates office held at time of acceptance 14

Explanation of voting procedures for illiterate voters in primary elections where paper ballots are used 39

Extent of voter's right to request assistance in casting ballot explained 41

DIVORCE:
Divorce proceedings in circuit court do not preclude inferior court from proceeding under Desertion and Non-Support Statute 25

— E —

EDUCATION DEPARTMENT:
County may impose occupational tax for school purposes without a referendum 16

ELECTIONS:
Explanation of voting procedures for illiterate voters in primary elections where paper ballots are used 39

Extent of voter's right to request assistance in casting his ballot explained 41

County employees or persons related by blood or marriage to candidates are not prohibited from being election officials..... 34

Absentee ballots may be delivered to electors confined on account of physical disabilities, by persons other than U.S. postal officials 37

EMPLOYMENT, EMPLOYERS, AND EMPLOYEES:
Civil Service Act of Tuscaloosa, prohibiting employee political activity, is constitutional 12

City may not expend funds to purchase Christmas gifts for public officers and employees 22

— F —

FUNDS:
City cannot expend funds to purchase Christmas gifts for public officers and employees 22

— H —

HEALTH AND HEALTH DEPARTMENT:
County board of health regulation, prohibiting sale of unpackaged meat and cheese without food handling permit, is valid 28

— L —

LAW ENFORCEMENT OFFICERS:
Fee for physical exam should be paid by applicant 24

LICENSES:
Duties of Board of Auctioneers discussed generally 18

Payments for business or occupational licenses received in the mail after October 31 are delinquent 42

Procedure for collecting and disposing of county auctioneer's license fee 47

LIE DETECTOR:
City may require pre-employment polygraph test for police officers 44

— M —

MINIMUM STANDARDS ACT:
Fee for physical exam should be paid by applicant 24

MUNICIPALITIES:
Deputy District Attorney may not serve as recorder of city; assistant city recorder holds office of profit 14

City may not expend funds to purchase Christmas gifts for public officers and employees 22

City cannot require building permit for addition of wall-to-wall carpeting to residence 23

City may require pre-employment polygraph test for police officers 44

— N —

NATIONAL GUARD:
Officers or employees of the State, county, or city, are entitled to leave with pay to attend summer camp 35

— O —

OFFICERS AND OFFICES:
Deputy District Attorney and Assistant City Recorder are offices of profit. Acceptance of second office of profit vacates office held at time of acceptance 14

Candidate for State Board of Education may spend up to $10,000 personal funds, exclusive of advertising, for election campaign, under Corrupt Practice Act 36

— P —

PERMITS:
City cannot require building permit for addition of wall-to-wall carpeting to a residence 23

POLICE OFFICERS:
City may require pre-employment polygraph test for police officers 44

PROBATE JUDGES:
Explanation of voting procedures for illiterate voters in primary elections where paper ballots are used 39

Extent of voter's rights to request assistance in casting ballot discussed 41

Payments for business or occupational licenses received in the mail after October 31 are delinquent 42

Probate Judges not required to determine validity of "metes and bounds" descriptions on instruments upon recordation..... 46

PROPERTY:

Probate Judges not required to determine validity of "metes and bounds" descriptions on instruments upon recordation..... 46

— R —

REGISTERS:

Absentee ballots may be delivered to electors confined by physical disabilities, by persons other than U.S. postal officials.... 37

— S

SECRETARY OF STATE:

Has authority to serve defendant under the long-arm statute..... 20

— T —

TAXATION:

County may impose occupational tax for school purpose without a refedendum 16

TUSCALOOSA, CITY OF:

Civil Service Act of the city is constitutional and enforceable..... 12

April 4, 1974

Honorable J. Wagner Finnell
City Attorney
City of Tuscaloosa
Tuscaloosa, Alabama 35401

Civil Service Act-City of Tuscaloosa—Political Activities. Section 15 of the Civil Service Act of the City of Tuscaloosa is constitutional at this time and can properly be enforced by the City of Tuscaloosa.

Opinion by Chief Assistant Attorney General Turner

Dear Mr. Finnell:

Your request for an official opinion of March 1, 1974 is as follows: "City of Tuscaloosa respectfully requests your opinion to the following.

"Act No. 259, Local Acts of the 1947 Legislature of Alabama, provides for a Civil Service System and is applicable to all employees who are employed by the City of Tuscaloosa on a regular monthly salary. Section 15 of said Act reads as follows:

'Section 15. **Political Activities Prohibited.**—No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No employee and no member of the board shall, directly or indirectly, pay or promise to pay assessment, subscription or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription or contribution of any employee. No employee shall be a member of any national, state or local committee of a political party, or an official of a partisan political club; or a candidate for nomination or election to any public office, nor shall he take any part in the management or affairs of any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee, under the jurisdiction of this Act, who violates any of the foregoing provisions of this Section shall forfeit his office or position or shall suffer such other disciplinary punishment as the board may direct.'

"The City requests your opinion, one, as to the validity and enforcement of the provisions of Section 15, supra, preventing any person subject to the Civil Service Law of this City from

being a candidate for public office, and, two, we specifically request your opinion as to whether a police officer of the City of Tuscaloosa, who is subject to the provisions of the foregoing Civil Service Act, may become a candidate for election to the Tuscaloosa County Board of Education."

It should be noted that the Section of the Act cited in your request is identical to the provision contained in the Alabama State Emplovee Civil Service Act found at Title 55, Section 317, Code of Alabama 1940, Recompiled 1958. On February 17, 1972, this office issued an opinion with regard to Section 25 of the Civil Service Act for Jefferson County. That section is also identical to Section 15 of the Tuscaloosa Act. In our opinion of that date, our office took the position that the political activities section of the Jefferson County Act was facially unconstitutional. We stated that the Act was vague and overbroad and cited a recent Fifth Circuit Court of Appeals case holding a similar Georgia Act unconstitutional. **Hobbs v. Thompson,** 448 F. 2d 456 (1971). Our opinion in the Jefferson County case and the opinion of the Fifth Circuit in the **Hobbs** case, both hold that broad proscriptions against political activities by classified employees which are so vague and so broad that employees cannot reasonably know what is proper or improper violates the First Amendment of the United States Constitution.

On June 25, 1973, the U. S. Supreme Court, in the case of **Broadrick v. Oklahoma,** 37 L. Ed. 2d 830, upheld an Oklahoma statute which closely parallels the Tuscaloosa statute. The court was divided in a 5-4 decision in which Mr. Justice White wrote for the majority. Mr. Justice White stated, among other things, that the Act was not impermissibly vague. It was the opinion of the majority that the words of the Act were easily understandable and, therefore, not violative of the First Amendment. In **Oklahoma,** the classified employees bringing the action had been disciplined because of political fund raising activities. The Supreme Court refused to consider whether constitutionally protected activities such as placing bumper stickers on cars or wearing campaign buttons were barred by the law. The court's opinion relied heavily on the fact that the Oklahoma State Personnel Board had issued regulations specifically stating the activities that were barred. It could be that some court will take into account the lack of such regulations in Tuscaloosa, if in fact, the Tuscaloosa Personnel Board has not issued such regulations.

Our opinions must conform to the decisions of the U. S. Supreme Court. Therefore, we are forced to conclude that our previous Jefferson County opinion is no longer valid. We also must conclude that the Tuscaloosa Act is not unconstitutional under the Federal Constitution. We will make no decision on the factual situation that you described to us. That will be for a court of law to decide. We have stated that employees in the classified service may take leaves of absence without pay in order to seek public office. Enclosed is our opinion of August 30, 1973 in which we stated that a teacher in the classified service might take a leave of absence and become a candidate.

Another consideration that must be taken into account is the language of Article I Section 4 of the Alabama State Constitution Declaration of Rights. It reads as follows:

> "That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty."

There were no court decisions in Alabama which give any definitive weight to this Section. Yet, there is good reason to believe that the State Constitution protects a much broader range of civil and political rights than does the Federal Constitution. Certainly, Article I, Section 4 contains a more specified recognition of the liberty of speech and press than does the First Amendment. The Constitution of the Statte of Wisconsin, for instance, contains a provision almost identical to Article I, Section 4. In several cases, the Wisconsin Supreme Court has noted that a state may permit a greater degree of freedom of speech and press than the First and Fourteenth Amendments required, though it may not permit less. **McCauley vs. Tropic of Cancer,** 121 NW 2d. 545, and **Gall vs. Wittig** 167 NW 2d. 577 (1969). Sooner or later, Alabama courts are going to have to come to grips with this wording of our State Constitution. In the absence of a definitive court case or standards by which to judge this constitutional section, we are unable to conclude that the Tuscaloosa Act violates the State Constitution. Until such a court test, the Tuscaloosa Law must be presumed constitutional.

In summary, it is our opinion that the Tuscaloosa Act is constitutional and can be enforced. That is our legal opinion in light of the **Oklahoma** case. Our personal opinion coincides with the opinion of Federal District Judge Gerhard Gesell who, upon reviewing the Federal Hatch Act called it an Act which "talks in riddles, prohibiting in one breath what it may be argued to have allowed in another, leaving the citizen unguided but at hazard for his job." **National Association of Letter Carriers vs. United States Civil Service Commission,** 346 F. Supp. 578 (D.C. 1972).

Sincerely,

WILLIAM J. BAXLEY
Attorney General

April 9, 1974

Honorable John T. Reid
Mayor
City of Scottsboro
Municipal Building
Jackson County
Scottsboro, Alabama 35768

Municipalities—Officers and Offices.
1. An assistant municipal recorder holds an office of profit.

2. A deputy district attorney holds an office of profit.

3. A deputy district attorney may not serve as a recorder of a municipality.

4. The acceptance of a second office of profit vacates the office held at the time of such acceptance.

Opinion by Assistant Attorney General Gish

Dear Sir:

Your request for an official opinion dated March 8, 1974, is as follows:

> "The City of Scottsboro has an Assistant City Recorder appointed by the City Council, who, while serving as such, was recently appointed to the office of Deputy District Attorney for Jackson County. He has accepted this latter appointment and is now carrying out his duties as such Deputy District Attorney. "We will appreciate your opinion as to whether the Constitution of Alabama prohibits one person from holding both these offices at the same time and, if so, whether his appointment to and acceptance of the office of Deputy District Attorney results in his having vacated his office of Assistant City Recorder."

The Constitution of Alabama 1901, Section 280, prohibits, with certain exceptions not here applicable, a person from holding two offices of profit at one and the same time.

Any state, county, or municipal officer, whether elective or appointive, carrying as a necessary incident to its exercise some part of the sovereign power of the state, is an office of profit within the meaning of Section 280, supra. **State ex rel. vs. Wilkinson,** 220 Ala. 172, 124 So. 211.

An assistant municipal recorder is authorized, not only to try persons accused of the violation of municipal ordinances, but is also authorized to try misdemeanor cases and to bind persons over to the grand jury where such persons are accused of felonies. Therefore, it is obvious that an assistant municipal recorder holds an office of profit within the meaning of the Constitutional provision considered herein. See Quarterly Report of Attorney General, Volume 112, Page 32.

The Deputy District Attorney of Jackson County is appointed to his position by the elected District Attorney and is one of the prosecuting officers of the Circuit Court of Jackson County. As such officer

he holds an office of profit within the meaning of Section 280, supra.

For the above reasons, you are advised that the Deputy District Attorney of Jackson County may not hold the office of Assistant City Recorder of the City of Scottsboro.

In **Smith v. State ex rel. Mayor and Town Council,** 276 Ala. 378, 162 So. 2d 473, the Supreme Court of Alabama held that upon entering into the duties of a second office of profit, the first office is vacated by operation of law.

Therefore, I am of the opinion that the acceptance of the office of Deputy District Attorney by the person to whom you refer vacated the office of Assistant City Recorder.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

April 10, 1974

Dr. LeRoy Brown
State Superintendent of Education
State Office Building
Montgomery, Alabama

Counties—Taxation—Authority of county to levy occupational tax with or without referendum.
Act #34, 1969 Acts, Special Session, p. 85
Act #688, 1969 Acts, p. 1226

Title 37, Section 733, et seq. Code of Alabama 1940, Recompiled 1958

Opinion by Assistant Attorney General Lurie

Dear Dr. Brown:

Your request for an opinion of this office dated March 29, 1974, pertaining to a county tax for school purposes has been received as follows:

> "We have had questions asked us concerning the legality of a county commission issuing an occupational tax for school purposes. We are not certain about this matter and would appreciate it if you would answer the following questions:
>
> 1. Is it legal for the county commission to levy an occupational tax for school purposes?
>
> 2. If the first question is answered in the affirmative, does the county commission have the authority to levy the tax without a vote of the people?"

It is assumed that your question:

"Is it legal for the county commission to levy an occupational tax for school purposes?"

has reference to Act #34, 1969 Acts, Special Session, Page 85, as amended by Act #688, 1969 Acts, page 1226, which act provides, in pertinent part, as follows:

> "Section 1. In order to provide funds for the operation of the public schools in the county, the governing body of each of the several counties in this state is hereby authorized by ordinance to levy and provide for the assessment and collection of franchise, excise and privilege license taxes with respect to privileges or receipts from privileges exercised in such county, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in such county. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. All the proceeds from any tax levied pursuant to this Act less the cost of collection thereof shall be used exclusively for public school purposes. Notwithstanding anything to the contrary herein, said governing body shall not levy any tax hereunder measured by gross receipts (except a sales tax which parallels, except for the rate of tax, Act No. 100, adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, and a use tax which parallels, except for the rate of tax, Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended; . . ."

The Supreme Court of Alabama, in **Estes v. City of Gadsden,** 266 Ala. 166, 94 So. 2d 744, considered the question of a tax upon the privilege of working and rendering services measured by the amount of gross receipts of a person to be an 'occupation or privilege tax' and not a property or income tax. This integretation of a license tax based upon gross receipts was followed by the Court in the case of **McPheters v. City of Auburn,** 288 Ala. 286, 259 So. 2d 833. Hence, the question of whether or not an occupational tax is included within the taxes authorized by Act #688, supra, has been resolved.

The Estes case and the McPheters case considered the levy of the tax by a municipality pursuant to the authority granted municipalities under the provisions of Title 37, Section 733, et seq. The question you have presented addresses itself to the authority of a county governing body to do likewise and it is the opinion of this office that it is altogether reasonable to assume that the court will apply the same ruling where counties are involved, though the measure of the tax would have to be based upon something other than "gross receipts."

It is the further opinion of this office that the court will also follow the same reasoning and reach the same conclusion that the county governing body has authority as granted by the legislative enactment to impose the levy under consideration with or without submitting it to a vote of the qualified electors of the county.

This opinion has given due consideration to the court rulings and the statutes appertaining to the question you have presented, and we do not render an opinion as to the validity of a levy of an 'occupational tax' as that is a matter for the court to determine in its own wisdom.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

April 11, 1974

Honorable E. W. Patton
Secretary
State Board of Auctioneers
Post Office Box 8
Vinemont, Alabama 35179

Auctioneers—Licenses—Board of Auctioneers.
Duties of Board of Auctioneers discussed generally.

Opinion by Assistant Attorney General Brunson

Dear Sir:

Your request for an official opinion of this office bearing date of November 19, 1973, is as follows:

> "Being a member of the newly created State Board of Auctioneers we are in the process of setting up test, rules, and regulations for all auctioneers in the state. As we progress there will be many legal questions involved and your help, cooperation, and advice will be greatly appreciated.
> "Auctioneer's License Act 811
>
> "1. Sec. 11—Each applicant for an auctioneer's license must have completed a prescribed course of study at an accredited auctioneering school approved by the board.
>
> "Will this school have to be approved by the State Board of Education?
>
> "2. Sec. 11—Can an apprentice apply for a second apprentice license at the expiration of the first?
>
> "3. Sec. 23—Will the $25.00 county license be collected by the county upon positive proof that the person applying has a state auctioneers license issued by the state board?

"4. Sec. 10—Will the $50.00 state license fee be kept and used by the state board for the enforcement and promotion of this act?

"5. Sec. 18—Can a non-resident apply for an apprentice license under an Alabama auctioneer?

"6. Sec. 7—Authority to check license:

"A. Who can give a citation for a violation?

"B. Can an auctioneer be stopped if he is selling a sale and has no license? Also who has the authority to stop him?

"7. Sec. 22—If an auctioneer is tried by the courts and fined will the money be kept and used by the state board for the enforcement and regulation of this act?

"8. Sec. 19—Can anyone that is not an auctioneer advertise that he is in the auction business in any way such as auction house, antique, real estate, automobile, etc?

"9. Can a properly licensed real estate broker auctioneer employ a licensed real estate broker or salesman that does not have an auctioneers license to solicit real or personal property to be sold at public auction.

"10. Is the $1000.50 county charge for auctions for motorized vehicles a business license or an auctioneers license and will it still be charged?

Since there are no auctioneering schools located in this State at the present time, the Alabama State Board of Education will not have to approve such school an applicant attends. Therefore, question No. 1 is answered in the negative.

In certain instances it may be necessary for an apprentice to apply for a second apprentice license at the expiration of the first. Therefore, question No. 2 is answered in the affirmative.

Section 23 provides for a county license of twenty-five dollars in each county where an auctioneer sells by auction. Thus, question No. 3 asking if the $25.00 county license will be collected by the county upon positive proof the person applying has a State Auctioneer's license issued by the board is answered in the affirmative.

Section 23 provides for a State license of $50.00. This will be turned over to the State Board of Auctioneers and handled in accordance with Section 10. Question No. 4 is answered in the affirmative.

Section 18 provides that a nonresident of this State may become an auctioneer or apprentice auctioneer in this State. Question No. 5 is answered in the affirmative.

Section 7 provides for enforcement of the act and authorizes the board to adopt, fix and establish the rules and regulations necessary

for the proper administration and enforcement of this Act. Once the board has adopted rules for the proper enforcement of the Act, those persons designated under those rules would give a citation for any violation.

Under Section 13, the procedures would then be for the board to set the matter down for an administrative hearing as provided in Section 14.

Section 5 provides that the proper legal officers of the State shall assist the board in enforcing the provisions of this Act. The District Attorney and the Sheriff of the county in which the violation occurs would be the proper authority to stop an illegal auction and to enforce the penalties of provisions under the Act provided in Section 22.

Fines levied as a result of prosecution by the District Attorney shall be treated as other misdemeanors. Therefore, question No. 7 asking whether the money from fines will be kept and used by the State Board is answered in the negative.

Section 19 says that it is unlawful for any person not licensed under the provisions of this Act to advertise that he is in the auction business. Therefore, question No. 8 is answered in the negative.

There is no provision to prevent a person without an auctioneer's license from soliciting property to be sold at public auction. It is, therefore, my opinion that a licensed real estate broker or salesman that does not have an auctioneer's license may be employed by a properly licensed real estate broker auctioneer to solicit real or personal property to be sold at public auction. Question No. 9 is answered in this affirmative.

Section 26 repeals all laws or parts of laws which conflict with this Act. In view of the foregoing, it is clear that Sections 461 and 463 (b) of Title 51, Code of Alabama 1940, Recompiled 1958, which provides licenses for "auctioneers" and "persons" conducting an auction sale for the sale of motor vehicles are in conflict in their terms with the provisions of Act. No. 811, and are therefore repealed by Section 26 of that Act. Question No. 10 is answered in the negative.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

April 15, 1974

Mr. D. McCargo, Jr.
Clerk
Calhoun County Courthouse
Anniston, Alabama

Civil Procedure. — Service of process on non-resident defendants.—

Long-arm service against out of state defendants is available when the applicable provisions of the Alabama Rules of Civil Procedure are compiled with.

Opinion by Assistant Attorney General D. Thompson.

Dear Mr. McCargo:

This is in reply to your request for a formal opinion of the Attorney General as follows:

> Recently an attorney practicing in this City brought an action for work and labor done for a non-resident defendant at his request. The defendant tendered the plaintiff payment in the form of two checks, one of which was returned, marked 'insufficient funds' and the defendant stopped payment on the other.
>
> Plaintiff brought suit for work and labor done and this office sought to obtain service of process through the Secretary of State's Office. The Secretary of State declined stating that the affidavit of the plaintiff was insufficient to invoke her authority to do so. A copy of the affidavit and the complaint are attached hereto.
>
> We would appreciate your advice on the following two queries:
>
> 1. Does the Secretary of State have the authority to serve a defendant under the long arm statute?
>
> 2. What would be the proper procedure of this office to follow to evoke action on the part of the Secretary of State in this case?
>
> Your prompt assistance will be greatly appreciated.

1. The Secretary of State does have the authority to serve defendants under a long-arm statute under Rule 4 of the Alabama Rules of Civil Procedure.

2. In this case an affidavit must be filed with the Clerk of the Court in which the action is pending and then forwarded by the Clerk with copies of the summons, complaint and service fee to the Sheriff of Montgomery County before service upon the Secretary of State. The affidavit must set out facts required to show that the defendant is actually within the class of defendants described in Rule 4 (b) (8)(B) of the Alabama Rules of Civil Procedure. Such affidavit must describe the defendant with particularity as being within the stipulations of Rule 4, must aver that the defendant is a nonresident of this state,

and should state the nature of said defendant's in-state activity, and the nature of the underlining claim if it arose in Alabama.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

April 16, 1974

Honorable Hoover Moore
Councilman
City of Enterprise
Coffee County
Post Office Box 653
Enterprise, Alabama 36330

Compensation — Employment, Employers and Employees—Funds—Municipalities—Officers and Offices. Municipalities may not expend funds to purchase Christmas gifts for public officers and employees.

Opinion by Assistant Attorney General Gish.

Dear Sir:

Your request for an official opinion dated March 22, 1974, is as follows:

> "A proposal has been made to provide Christmas gifts, such as hams and turkeys, for the mayor and elected officials, such as members of council, city employees, municipal officers, and boards, such as school boards, recreational boards, library boards and industrial development boards, (some members being bankers).
>
> "My concern in this matter is that these gifts are given at the expense of the tax payers. This letter is an inquiry into the legality of using tax payers money for gifts to elected city officials and/or appointed members, such as bankers, etc . . . "It would be greatly appreciated if you would advise me on the legal aspects of this subject."

The Constitution of Alabama 1901, Section 68, prohibits a municipality from granting any extra compensation or allowance to a public officer or employee after the performance of his service.

I am of the opinion that the use of municipal funds to purchase the gifts to which your request refers would be tantamount to the granting of extra compensation in violation of said Section 68. There-

fore, you are advised that the City of Enterprise may not purchase the gifts to which you refer.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

April 16, 1974

Honorable J. Thomas King
Attorney at Law
Jefferson County
Murphy and Crisp Building
Birmingham, Alabama 35215

Municipalities.
A municipality is not authorized to require a building permit for the addition of wall-to-wall carpeting to a residence or other building.

Opinion by Assistant Attorney General Gish.

Dear Sir:

Your request for an official opinion dated March 29, 1974, is as follows:

> "I write you in my official capacity as Attorney for the City of Adamsville, Alabama.
>
> "It will be appreciated if you will advise as to whether or not the City of Adamsville has the legal right to require, within the purview of either Section 3 or Section 4 of Ordinance No. 167 of said City, a xerox copy of which is attached hereto, as the same is related to the Southern Standard Building Code as last revised, to require a building permit to be obtained for the addition to a household of wall-to-wall carpet which is not affixed to the flooring."

Those Sections of Ordinance No. 167 of the City of Adamsville to which your request refers adopt the provisions of the Southern Standard Building Code, with certain exceptions not here applicable.

Said Southern Standard Building Code provides regulations for the construction, repairing, remodeling, and inspection of buildings. Its primary purpose is to insure uniformity in the safety of buildings.

I am of the opinion that the addition of wall-to-wall carpeting to residences and other buildings cannot be construed as construction, repairing, or remodeling within the meaning of the Code adopted by Ordinance No. 167.

Therefore, you are advised that the City of Adamsville may not require a building permit for the addition of wall-to-wall carpeting to a residence or other building located within said City and its police jurisdiction.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

April 23, 1974

Honorable Ralph H. Ford
Madison County Attorney
Madison County Courthouse
Huntsville, Alabama 35801

Minimum Standards—Law Enforcement Officers—Counties Fee for physical should be paid by applicant.

Opinion by Assistant Attorney General Golinsky.

Dear Mr. Ford:

Your request for an official opinion, dated January 16, 1974, is as follows:

> "Act No. 1981 of the 1971 Legislature of Alabama, Regular Session, prescribed, among other things, minimum standards for law enforcement officers, including the following:
>
> > '(d) Physical Qualifications. The applicant shall be not less than five feet two inches nor more than six feet ten inches in height, shall weigh not less than 120 pounds nor more than 300 pounds and shall be certified by a licensed physician designated as satisfactory by the appointing authority as in good health and physically fit for 'the performance of his duties as a law enforcement officer. The Commission may for good cause shown permit variances from the physicial qualifications prescribed in this subsection (d).'
>
> "This act was amended by Act No. 156 of the 1971 Legislature of Alabama, 3rd Special Session, but the wording of Section 7 (d) above remained intact.
>
> "There is no provision in the act designating who shall be responsible for paying the physician for certifying the applicant 'in good health and physically fit for the performance of his duties as a law enforcement officer.' Madison County is presently being asked by the Sheriff's Department to pay for the physicals performed under this section for applicants for employment as deputy sheriffs.

"It is the position of Madison County that since no provision is contained in the law as passed by the Legislature specifying that the counties are responsible for paying physicians for such certifications, and since the certification is a necessary condition which must be met by an applicant **prior** to his being qualified to assume the position of deputy sheriff, it would be the responsibility of the applicant to pay the physician for the physical performed pursuant to the section above quoted.
"Under the factual situation given, is Madison County required to pay the fee charged by the physician for certifying the applicant as specified in the above section, or is such the responsibility of the applicant?"

The fee charged by a physician for certifying the applicant physically fit must be paid by the applicant himself.

As Title 55, Section 373 (109) (d), Code of Alabama 1940, Recompiled 1958, provides, applicants and appointees as law enforcement officers must be deemed in good health and physically fit.

The cost of this physical may not be borne by a county unless there has been a specific statutory provision authorizing the expenditure of public funds for this purpose.

As it is set out in Title 12, Section 12, Code of Alabama 1940, Recompiled 1958, the county can only spend public money for the items specifically authorized.

Although the instant opinion may work a hardship on the applicants, we can find no statutory authority for the county to pay these fees.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

April 24, 1974

Honorable Fred L. Huggins
Judge of Probate
Probate Court of Clarke County
Grove Hill, Alabama 36451

Appeal Bonds — Proceedings Before Magistrates to Keep the Peace.

Circuit Courts and Inferior Courts; Jurisdiction in Desertion and Non-support.

1. Separate appeal bond is required in addition to peace bond.

2. Divorce proceedings in circuit court do not preclude inferior court from proceeding under Desertion and Non-support Statute.

Opinion by Assistant Attorney General C. Miller.

Dear Judge Huggins:

I have received your request for an official opinion which is as follows:

> "Re: Title 15, Section 413-414, and Title 34, Section 89-104. I would like your official opinion on two questions.
>
> First, under sections 413-414 of Title 15, Proceedings Before Magistrate to Keep the Peace. When a defendant enters an appeal after being required to keep the peace by an inferior court judge, should the inferior court require a peace bond and a separate appearance bond in an equal amount, or should the inferior court require only one bond substantially as set out in Title 414?
>
> Secondly, under Title 34 sections 38-104, Desertion and Non-Support. A petition for divorce is on file in the circuit court, For one reason or another the petition cannot be heard for a period of time by the circuit court, thereby causing a hardship on the wife and children involved. Can a proceeding of Desertion and Non-Support then be brought in the inferior court while the divorce petition remains on file in the circuit court, and does the inferior court have authority to render a judgment even though a similar petition is on file in the circuit court, but before a decree is issued by a circuit."

Section 413 of the statute you cite begins by providing that any person required to keep the peace is entitled to an appeal to the circuit court on entering an undertaking to: (1) prosecute his appeal and (2) meantime to keep the peace. The statute then goes on to provide for the two situations possible, viz., (1) a person committed to jail for failing to give security to keep the peace may appeal and be discharged from custody on giving bond (a) for his appearance on appeal and (b) to keep the peace; (2) the other possibility is a person who, having been required to keep the peace, has already given a peace bond; the statute requires that a person in this situation may appeal on giving security for costs of appeal.

The required peace bond (suggested form appearing in §409) is substantially different from the bond required on appeal. The undertaking in the peace bond is for a specified period of time from six to twelve months. The appeal bond as set out in §414 provides for keeping the peace pending the appeal. It also constitutes an undertaking that defendant will "prosecute his appeal to effect." This latter undertaking

binds defendant and his sureties to pay damages and costs on failure to prosecute the appeal to effect. Black's Law Dictionary, "Appeal Bond."

It is my opinion that the bond required on appeal, a suggested form for which appears in Section 414 of Title 15, is in addition to the peace bond required. In accordance with Section 413 this additional bond should be in a sum equal that of the peace bond.

My answer to your second question is in the affirmative. The Alabama Supreme Court in **State vs. Worthington,** 227 Ala. 204, 149 So. 709 (1933) has held that a divorce suit in the Chancery Court was not a bar to a proceeding in the Juvenile Court against a father who willfully and without lawful excuse failed to support his children, the children being destitute. The doctrine that when two courts have concurrent jurisdiction to enforce the same rights between the same parties and one of them has attached the other is without right to proceed to the same end, applied only in respect to the jurisdiction of the court to enforce the same right. However, the proceeding under the desertion and non-suport statute is, as stated by the Court in **Worthington,**

> ". . . initiated on behalf of the public on account of a right in it to have a duty to children enforced to a limited extent; that is, that they may be relieved of destitution. It is not the right of the children that it enforces, but the incidental right of the public consequent upon the destitution of the children.
>
> "But the chancery court is not limited to provision for the prevention of destitution, but its jurisdiction extends to enforcing the full measure of the duty which he as a parent owes to his children to provide for their maintenance, support, and education. Their jurisdiction is not therefore concurrent . . . ."

The Alabama Supreme Court again considered this question in **Guy vs. Robinson,** 252 Ala. 99, 39 So. 2d 392 (1949), where it stated:

> "It is contended that since the jurisdiction of the circuit court in equity had attached, the probate court was without jurisdiction to try the case. It is certainly correct that when two courts have concurrent jurisdiction, the first court which acquires jurisdiction of the same cause of action between the same parties shall proceed with it to final disposition and it cannot be deprived of the power so to proceed by a subsequent suit in another court of concurrent jurisdiction. Glazner v. Jenkins, 237 Ala. 262, 186 So. 475; Whitfield v. Saulsberry, 247 Ala. 690, 26 So. 2d 93. This principle is not, however, applicable here. The same rights are not involved in the two suits, because in the equity suit it is the power of the court to declare and enforce the duty of the father to his child, while under § 90, Title 34, Code of 1940, it is the power of the state under its police power to punish a parent who willfully and without lawful excuse allows his child to be in destitution. State v. Worthington, 227 Ala. 204, 149 So.

709; Jones v. Blue, Judge, 21 Ala. App. 48, 105 So. 698, certiorari denied, Ex parte Jones, 213 Ala. 549, 105 So. 700."

These decisions do not appear to have been modified.

Therefore, it is my opinion that a proceeding under Title 34, Sections 89-104, Code of Alabama 1940, Recompiled 1958, as described by you, can be brought and prosecuted to a conclusion in an inferior court in instances in which a divorce proceeding is pending in the circuit court.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

May 3, 1974

Hon. T. M. Brantley
Wilters & Brantley
P. O. Box 968
Bay Minette, Alabama 36507

Health — County Boards of Health — Baldwin County — Health Department Licenses and Permits.

A county board of health regulation prohibiting sale of unpackaged meat and cheese requiring cutting and packaging from stores unless such store has food handling permit is valid and enforceable and not in conflict with jurisdiction of Commissioner of Agriculture and Industries under Act No. 1049, Acts 1969, p. 1939.

Opinion by Assistant Attorney General Sykes.

Dear Sir:

I have your inquiry under date of March 19, 1974 as follows:

"The Baldwin County Health Department apparently has adopted a regulation relative to sale of meats; a copy of this appears at the end of this letter.

"Several of the small grocers have complained to the Baldwin County Commission about this. Why they have jurisdiction, I do not know. I understand that the Board of Health of Baldwin County considered this matter at their last meeting. One of these Board members is a Commissioner and he has asked me to inquire of you whether this is a legal regulation or not.

"I have read the regulation proposed by the Health Department to attempt to clarify this matter, but to no avail. I also read Title 2, Section 401, Subsection 85, which in effect rewrites the laws governing control of meats, and have not come up with a satisfactory answer.

"I am sure that this will eventually become a Statewide problem.

"If you can, please answer the following inquiry: 'Can the Baldwin County Health Department legally enforce the following regulation:

> 'A grocery store which does not meet the standards for a market permit may sell the following prepackaged products from a refrigerated case.
>
> 'Packaged sausage, bacon, luncheon meats, and cheese only. 'Above items must be in the original sealed package bearing packer's name and other required information, also Department of Agriculture Inspection stamp or seal where required.
>
> "The following products cannot be offered for sale without a valid market permit.
>
> 'Fresh pork. fresh goat, fresh beef, salt pork, chickens, turkeys, fish, rabbits or any other meat product or cheese which would require cutting and packaging on the premises?' "

In my opinion, the Baldwin County Board of Health may legally enforce the regulation.

"The County Board of Health may make rules and regulations for administering the health laws of the state . . . which Rules and Regulations . . . have the force and effect of law . . ." Title 22, Section 8, Code, supra. While the State Committee of Public Health has authority to "adopt and promulgate regulations for the . . . operation of all establishments . . . in which foods or beverages intended for sale for human consumption are made, prepared, processed, displayed for sale in an unpackaged state, or served . . ." such power power does not "restrict the power of county boards health . . . to adopt more stringent, emergency regulations . . ." Title 22, Section 85, Code, supra.

The regulation of the county board of health set out in your inquiry would allow grocery stores not qualifying for a food handling (market) permit to sell certain meats and cheese in properly sealed packages with a Department of Agriculture inspection stamp, from a refrigerated case, but would confine the sale of certain unpackaged fresh meat or cheese requiring cutting and packaging to stores having a food handling (market) permit. In short, this County Board of Health Regulation simply confines the sale of certain fresh meat and cheese requiring cutting and packaging to stores qualifying for a food handling permit under Title 22, Section 85, supra.

This Regulation of the Baldwin County Board of Health in my opinion is valid and enforceable. While Act No. 1049, Acts of 1969, p. 1939, makes the jurisdiction of the Commissioner of Agriculture and Industries exclusive and prohibits a county board of health from regulating the slaughter of certain livestock or the preparation or transportation of the carcass or preparation of meat, meat products and poultry products, the Baldwin County Board of Health Regulation under consideration in my opinion does not conflict with this provision.

Section 22(d) of Act No. 1049, supra. Further, in my opinion the Baldwin Regulation based on the authority of the County Board of Health to adopt regulations pursuant to Title 22, Sections 7 and 85, Code of Alabama Recompiled 1958, for food handling establishments, is not in conflict with that provision of Section 33 of Act No. 1049, supra, repealing Section 7, supra, in conflict with Act No. 1049, supra, and repealing Section 85, supra, to the extent that said Section 85 authorizes the State Committee of Public Health to regulate poultry and animal slaughter houses.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

May 8, 1974

Honorable Howard Kirby
Clerk
Circuit Court of Etowah County
Court House
Gadsden, Alabama 35901

Controlled Substances Act——Boards of Registrars—Circuit Court Clerks.

1. A conviction of the following crimes is not a crime involving moral turpitude:

(a) an offense included in the Alabama Controlled Substances Act;

(b) manslaughter in the second degree;

(c) a violation of Title 36, Section 117 or Section 128, Code of Alabama 1940, Recompiled 1958.

(d) a violation of Title 51, Section 417, Code of Alabama 1940, Recompiled 1958.

2. A conviction of obtaining money by issuing worthless checks is a crime involving moral turpitude.

Opinion by Assistant Attorney General Parnell.

Dear Sir:

Your request for an official opinion of this office dated March 25, 1974 is as follows:

"In connection with my duty to report various convictions to the Board of Registrars, I need to know whether or not a conviction under Acts 1971, No. 1407, otherwise known as 'The Alabama Controlled Substances Act', involves moral turpitude.

> "Please also advise if any of the following convictions involve moral turpitude: a conviction for Leaving the Scene of an Accident; a conviction for Manslaughter in the Second Degree; convictions for violations under Title 51, Section 417 of the Code of Alabama, as recompiled 1958; and convictions for Issuing Worthless Checks."

First, you asked if a violation of Title 22, Section 258(25). Code of Alabama 1940, Recompiled 1958, commonly referred to as the Alabama Controlled Substances Act involves a crime of moral turpitude. Since this law was passed by the 1971 Legislature, the Courts of Alabama have not specifically answered this question.

Our research did reveal some old case law which held that crimes similar to those now incorporated into the Alabama Controlled Substances, namely selling cocaine and selling heroin, were not crimes that involved moral turpitude. **Pippin v. State,** 197 Ala. 613, 73 So. 340. **Peters v. State,** 240 Ala. 531, 200 So. 404.

It seems the court distinguishes crimes involving moral turpitude from crimes that do not by the mala prohibita—mala in se test. In the **Pippin** case, supra, the Court stated:

> "(Moral turpitude) implies something immoral in itself, regardless of the fact whether it is punishable by law. The doing of the Act itself, and not its prohibition by statute fixes the moral turpitude." 73 So. at 342.

In **Ex parte Marshall,** 207 Ala. 566, 93 So. 471, the Court again addressed itself to this question:

> "(Moral turpitude means) something immoral in itself regardless of the fact that it is punished by law. It must not merely be mala prohibita, but the act itself must be inherently immoral. The doing of the act itself and not its prohibition by statute, fixes the moral turpitude . . . It is the nature of the act and not its legislative characterization or punishment which must be the test in determining whether or not it involves moral turpitude . . ." 93 So. at 471.

With this in mind, it is my opinion any violation of Title 22, Section 258(25), Code of Alabama 1940, Recompiled 1958, commonly referred to as the Alabama Controlled Substances Act, is a crime that does not involve moral turpitude. In the **Pippin** case, supra,, the Court stated.

> "(Selling Cocaine) . . . is a statutory crime, not punishable at common law. It is of the description mala prohibita, as there is no inherent immorality in such acts, and its illegality lies only in the fact of being prohibited." 73 So. at 342.

Your second question asks if a conviction for leaving the scene of an accident involves moral turpitude. By the crime leaving the scene of an accident, I presume you mean violations of Title 36, Section

117, or Section 128, Code of Alabama 1940, Recompiled 1958. For clarity I will include these statutes in this opinion.

Title 36, Section 117 reads as follows:

> "(a) The driver of any motor vehicle involved in an accident resulting in injury to or death of any person, or in damage to a motor or other vehicle which is driven or attended by any person, shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of section 119 of this title. Every such stop shall be made without obstructing traffic more than is necessary. (b) Any person failing to stop or comply with the requirements of this section shall be guilty of a misdemeanor and shall upon conviction be fined not more than $500.00 and in addition thereto may be imprisoned in the county jail not more than thirty days. (c) The director shall revoke the driver's license of the person so convicted."

Title 36, Section 128, Code of Alabama 1940, states as follows:

> "1. Duties of Driver.—The driver of any vehicle involved in an accident resulting in injury to or death of any person, or damage to a vehicle, shall immediately stop such vehicle at the scene of such accident, and shall also give his name and address, and the registration license number of his vehicle, and shall render to any person injured in such accident reasonable assistance, including the carrying of such injured person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary.
>
> "2. Punishment for Violation. Every person convicted of violating this section, or any of the provisions thereof, shall be punished by a fine of not less than one hundred dollars nor more than five thousand dollars, or by imprisonment in the county or municipal jail or hard labor for the county for not less than thirty days nor more than one year or by imprisonment in the penitentiary for not less than one nor more than five years, or by both such fine and hard labor or imprisonment.
> "3. Revocation of License. The court shall revoke the driver's license of any person convicted of violating this section or any of the provisions thereof.
>
> "4. Repeal of Laws.—All laws and parts of laws in conflict herewith are hereby expressly repealed, including sections 116 through 127 of this title, insofar as said sections are in conflict herewith."

It is my opinion violations of the above two statutes are crimes not involving moral turpitude. Such a crime is merely statutory, and does not meet the test of a crime inherently immoral or depraved.

Your third question asks if a conviction of Manslaughter in the Second Degree involves moral turpitude. In **White v. State,** 37 Ala. App. 424, 69 So. 2d 874, the Court defined manslaughter in the second degree thus:

> "Manslaughter in the second degree is defined as the unlawful killing of another human being, without malice and without the intent to kill or to inflict the injury resulting in death, but accidentally committed by the accused while he was doing an unlawful act amounting to a misdemeanor, or accidentally committed by the accused while he was doing a lawful act, but in a grossly negligent or improper manner." 69 So. 2d at 876.

It is my opinion conviction of Second Degree Manslaughter is a crime not involving moral turpitude because it is an unlawful unintended killing.

Your request included a question as to whether a conviction of Title 51, Section 417, Code of Alabama 1940, Recompiled 1958, is a crime involving moral turpitude. That statute states as follows:

> "Any person or corporation, joint stock company or association liable to income tax under this chapter, who shall fail to make return as required by this chapter within the time allowed shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten dollars, nor more than one thousand."

It is my opinion a conviction under the above statute is a crime not involving moral turpitude. This, too, is merely statutory crime not inherently evil or depraved.

Lastly, you ask if a conviction for issuing worthless checks is a crime involving moral turpitude. The Alabama Court of Criminal Appeals has recently answered this question in the case of **Irvin v. State,** 44 Ala. App. 101. In that decision the Court stated the following:

> "Moreover, the crime (of obtaining money by issuing worthless checks) is one involving moral turpitude." 44 Ala. App. at 105.

Considering the above, it seems evident that a conviction of obtaining money by issuing worthless checks is a crime involving moral turpitude.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

May 9, 1974

Honorable C. P. "Red" Walker
Sheriff
Shelby County
Columbiana, Alabama

Elections—Primaries—Election Officials.

1. County Democratic Executive Committee may not bar county employees and persons related to candidates from being election officials.

2. No prohibition of law for county employees or persons related by blood or marriage to candidates from being election officials.

Opinion by Assistant Attorney General McQueen.

Dear Sir:

Your request for an official opinion of this office bearing date of April 3, 1974, reads as follows:

> "At a recent meeting of our Democratic Executive Committee, a motion was passed whereby they excluded any County employees, or any kin of blood or marriage to a candidate, to a degree of Aunt and Uncle. My question, even though I would not myself be a part of placing any kin or County employee on the election official list, can the committee under our laws, exempt any qualified voter in his precinct, from serving upon elections in his precinct. It appears from the State law that the Democratic party is bound by law, to accept these names turned in by the candidates, if they are qualified electors in the precinct, and the County appointing board is bound by law, to appoint those turned in from the parties, providing he or she is a qualified elector, in that voting precinct, which they are appointed to.
>
> "There is no controversy, particularly, about this matter, other than the clarification of the law, as it now reads."

Stated in another way, your question is: Does the Executive Committee of your county have the authority by resolution to exclude county employees and persons kin by blood or marriage to a candidate from serving as an election official?

My answer to this question is in the negative.

Title 17, Section 349, Code of Alabama 1940, provides that each candidate may submit a list of names of election officials desired by him for any district, ward or precinct of the county to the County Democratic Executive Committee. The section further provides that from this list submitted by candidates, the Executive Committee shall

submit to the appointing board six names for each district, precinct or ward in the county. After the Executive Committee has performed this duty as provided by Section 349, it has nothing further to do with the appointment of election officials.

I know of no law of the State of Alabama which prohibits a county employee or a person related by blood or marriage to the candidate from serving as an election official.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

May 13, 1974

Honorable Oscar M. Zeanah
Superintendent, Andalusia
City Schools
122 Sixth Avenue
Andalusia, Alabama 36420

Boards of Education — National Guard
Title 35 provides that officers or employees of the State, or county, or municipality, are entitled to leave with full pay to attend National Guard summer camp.

Opinion by Assistant Attorney General Hamlett

Dear Mr. Zeanah:

I have your letter of April 5, 1974, in which you request an opinion concerning the following question:

> "Is it legal for a Board of Education to provide leave with full pay for National Guard personnel to attend summer camp?"

The answer to your question is in the affirmative. Provision of such leave with pay is not only legal, but mandatory according to our interpretation of Title 35, Section 12, Code of Alabama 1940, Recompiled 1958, as amended.

Section 12 of Title 35, as amended, provides as follows:

> "All officers and employees of the State of Alabama, or of any county, municipality or other agency or political subdivision thereof, who shall be active members of the Alabama National Guard or naval militia, or of the officers reserve corps of the United States army, or of the reserve components of the United States army, navy, marine corps, air force, or coast guard, shall be entitled to military or naval leave of absence from their respective civil duties and occupations on all days that they shall be engaged in field or coast defense or other training

or on other service ordered under the provisions of this chapter, or of the national defense act, or of the federal laws governing the United States reserves, without loss of pay, time, efficiency rating, annual vacation, or sick leave, but no such person granted such leave of absence with pay shall be paid for more than twenty-one working days at any one time."

If the personnel of whom you speak are, "officers or employees of the State of Alabama, or of any county, municipality, or other agency or political subdivision thereof" and are active members of the groups enumerated in Title 35, Section 12, supra, then they are entitled as a matter of law, to leave with full pay to attend National Guard summer camp.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

May 13, 1974

Honorable John L. Fulmer
Superintendent
Anniston Public Schools
P. O. Box 1500
Anniston, Alabama 36201

Boards of Education — Corrupt Practices Act — Officers, Offices.

1. The State Board of Education is a state elective office within the meaning of that term as it is used in the Corrupt Practices Act.

2. A candidate for a position on the State Board of Education may spend up to $10,000 of his personal funds, exclusive of that spent for radio, television and newspaper advertisements, for his election campaign.

Opinion by Assistant Attorney General Stephens.

Dear Mr. Fulmer:

You have asked for an opinion from this office on the following question:

"The Board of Education would like to have an opinion on whether or not the State School Board of Education is a state elective office. There is some question about the amount that can be spent for a campaign and the Board of Education would like to know whether a candidate for the State School Board of Education can spend up to $10,000.00 other than radio and newspaper advertisements."

The State Board of Education is a "state elective office" within the meaning of that term as it is used in the Corrupt Practices Act and, in particular, in Title 17, Section 272, Code of Alabama 1940, Recompiled 1958. Consequently, a candidate for a position on the State Board of Education may spend up to $10,000 of his personal funds, exclusive of that spent for radio, television and newspaper advertisements, for his political campaign.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

May 14, 1974

Mrs. Grace M. Smith
Register
Circuit Court, In Equity
Russellville, Alabama 35653

Franklin, County — —Elections — Registers.

Absentee ballots may be delivered to electors confined on account of physical disabilities, by persons other than United States postal officials. Sections 64(24a) through 64(24e), Title 17, Code of Alabama 1940, Recompiled 1958.

Opinion by Assistant Attorney General Myron Thompson.

Dear Mrs. Smith:

Your letter of March 20, 1974, is, in pertinent part, as follows:

"After receiving an application for an absentee ballot from an Elector (confined on account of a physical disability), is the Register **required** to **mail** the absentee ballot to this person, or can it be **handed** to another person to be delivered to the absentee voter and then returned to the Register by mail. In the past, I have always **mailed** the ballot to the person, but have been requested this year (when supplies are received) to permit individuals to deliver in person the Absentee Ballot, carbons, envelopes, etc."

Sections 64 (24a) through 64 (24e) of Title 17, Code of Alabama 1940, Recompiled 1958, provide for absentee voting by electors confined on account of a physical disability. Neither these sections nor any other sections in Title 17 have any apparent requirements as to how election officials are to forward absentee ballots to these electors. Therefore, mailing is not a statutorily required means of forwarding absentee ballots to disabled electors, as long as the Boards adopt some means of assuring that disabled electors receive their ballots.

Nevertheless, we are of the opinion that as a general practice, the Boards should continue to mail such ballots, unless exceptional circumstances require that they be hand delivered. First, hand delivery of the ballots by persons other than United States postal officials places an additional responsibility on the Boards. It requires that the Boards ascertain whether the persons, who are to deliver the ballots, have received authorization from the physically disabled electors to pick up and deliver the ballots. Second, Section 64 (24d) requires that disabled electors return their ballot by United States mail to the Boards. Assuming that symmetry has some value in the law, it follows that the practice of the Boards should also be to mail ballots to confined electors.

In summary, while mailing is not required by law, we strongly suggest that the Boards' general practice should be to mail absentee ballots to physically disabled electors, subject to each Board's own good judgment as to when exceptions to this practice are warranted.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

May16, 1974

Hon. Wade H. Baxley
City Attorney
City of Dothan
Dothan, Alabama

BAIL—
A person arrested and intoxicated may not be held in confinement for an arbitrary six hours if he gives bail.

Opinion by Assistant Attorney General Sykes.

Dear Mr. Baxley:

I have your inquiry under date of January 10, 1974, which is as follows:

> "The City of Dothan, Alabama, respectfully requests an opinion from your office in answer to the following question:
> "Can a person who has been arrested and is under the influence of intoxicating beverages or narcotic drugs be confined in the city jail for a period of six hours and be denied release through bail or bond before the expiration of such period of time?

"Attached hereto is a copy of Section 20-1 of the Code of Ordinances of the City of Dothan, which authorizes the police department to hold a person under the influence of alcohol or narcotics for a period of six (6) hours.

"Section 16 of the Alabama Constitution of 1901 and Title 15, Secs. 187 and 196, Code of Alabama, 1940, appear to raise some question of the legality of holding a person for six hours if sufficient bail has been offered prior to that period of time for release of the person."

The enclosed ordinance provides in part as follows:

"It shall be the duty of the chief of police and the police force to enforce the ordinances of the city and all of the penal laws of the state in the city, and police jurisdiction thereof, to arrest all persons violating either of the same. The arresting officer shall carry such persons so arrested before the recorder for examination or trial for the violation of a state law, or for trial for the violation of an ordinance of the city; provided however, that any person who has been arrested and is under the influence of intoxicating beverages or narcotics drugs shall be confined in the city jail until such person shall not be under the influence of intoxicating beverages or of narcotic drugs, in the opinion of the chief of police or the officer in charge of said city jail, such period of confinement to be not less than six hours. (Ord. No. 2771, § 1, 5-1-62)"

In my opinion, the provisions of the ordinance requiring that the period of confinement, when a person arrested is under the influence of intoxicating beverages or of narcotic drugs, be not less than six hours is in violation of Section 16 of the Constitution of Alabama, 1901.

The person arrested may or may not have been arrested for public drunkenness or for driving while intoxicated or highway intoxication. The person is simply drunk when arrested for some offense and is placed in jail. In my opinion, if the person furnishes adequate bail for the offense he must be released when he is no longer intoxicated or under the influence of intoxicating beverages or narcotics.

To hold such prson in jail for the arbitrary length of time of six hours when he has sobered in the meantime is in my opinion unlawful. **State v. Hutchinson,** 246 Ala. 48, 18 So. 2d 723.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

May 28 1974

Honorable Mark Ezell
Probate Judge
Choctaw County
Butler, Alabama 36904

Elections — District Attorneys — Probate Judges.

Explanation of voting procedures for illiterate voters in primary elections where paper ballots are used.

Opinion by Assistant Attorney General Stephens.

Dear Judge Ezell:

In your recent letter you requested opinions from this office on several questions concerning voting procedures for illiterate voters in primary elections in those counties where paper ballots are still used. In particular you asked:

> ". . . should this section (Title 17, Section 359, Code of Alabama) be followed when a voter requests someone other than a poll official to help him vote. In other words, would you elaborate on the correct procedure to be used for an illiterate to vote.
>
> "Also, can a poll watcher appointed under Title 17, Section 357, Code of Alabama, render assistance to anyone in preparing a ballot when this Section strictly prohibits this.
>
> "I would like also for you to elaborate on the penalty for campaigning on Election Day."

The procedure by which an illiterate voter may obtain assistance in preparing his ballot in a primary election where paper ballots are used is set forth in Title 17, Section 359, Code of Alabama as modified by the Voting Rights Act of 1965. To the extent that it is not in conflict, Title 17, Section 176, Code of Alabama is also applicable.

An illiterate voter who desires assistance in preparing his ballot must request such assistance. The voter himself must initiate the request and the request must be entirely voluntary.

When a voter requests such assistance he must swear before an inspector that he is unable to read. While there is no specific statutorily prescribed oath, it is suggested that the voter be asked to respond "yes" or "no" to the following question:

> "Do you solemnly swear that you are unable to read and consequently cannot knowledgeably mark your ballot without assistance?"

After swearing to his illiteracy, the voter may select anyone he chooses to assist him in the preparation of his ballot except that neither a candidate nor a poll watcher may assist him. See Title 17, Sections 177 and 357, Code of Alabama. The person selected need not be an election official and he may have assisted other voters in the same election. However, the voter must initiate the selection and it must be entirely voluntary.

The selected person shall then assist the voter in preparing his ballot in the presence of an inspector by marking the ballot as the voter directs. The voter may either direct his assistant orally as to each candidate or he may direct his assistant to mark his ballot in accord with a marked sample ballot, list or other memorandum which the voter supplies to his assistant. See **Gilmore v. Greene County Democratic Party Executive Committee**, 435 F. 2d 487 (5th Cir., 1970). The ballot shall be prepared in the room or place where the election is being held.

With respect to your third question, Title 17, Sections 285 and 331, Code of Alabama, provide that it is a corrupt practice to electioneer or solicit votes on election day for which the guilty person must be fined not more than five hundred dollars and may be imprisoned for not more than six months. Title 17, Sections 357 and 409 provide that a poll watcher who electioneers or campaigns on election day shall be fined not less than one hundred nor more than one thousand dollars.

I hope and trust that this sufficiently answers your questions.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

May 28, 1974

Honorable John W. Starnes
District Attorney
Twenty-Seventh Judicial Circuit
P. O. Box 313
Guntersville, Alabama 35976

Elections — District Attorneys — Probate Judges. Extent of a voter's right to request assistance in casting his ballot explained.

Opinion by Assistant Attorney General Stephens.

Dear Mr. Starnes:

In your recent letter you listed several examples of election officials denying a voter assistance by a person of his choice and you requested:

> "Taking into consideration the outline examples, would you please render an opinion to this office relating the extent of the voter's rights to request assistance in casting his ballot inside a machine."

The authorization for, and restrictions upon, assistance for voters at the polls are contained in Title 17, Section 107 of the Code of Alabama, Recompiled 1958, as that provision is affected by the Voting Rights Act of 1965. This provision states, in relevant part:

". . . No voter shall be permitted to receive any assistance in voting at any election, unless he shall first state in writing upon printed forms supplied for that purpose and under oath or affirmation, which shall be administered to him by the inspector, that he is blind or that he cannot read the names on the voting machines, or that, by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance . . ."

If a voter completes the required form and makes the required affirmation, then he may receive the assistance of a person of his choice. This office issued an opinion on April 4, 1972 to the Honorable E. Mark Ezell explaining the voter's right to select a person of his choice to assist him and I enclose a copy of that opinion for your information. In summary, an illiterate or a disabled person may have assistance in casting his ballot from any person he may voluntarily select, even though the person chosen to render assistance is not an election official and even though such person may have previously assisted other illiterate or disable voters during the same election. The only exceptions to this are that a candidate cannot assist an elector in the preparation of his ballot (Title 17, Section 177, Code of Alabama, Recompiled 1958) and a poll watcher cannot assist an elector in the preparation of his ballot (Title 17, Section 357, Code of Alabama, Recompiled 1958).

However, the illiterate or disabled person must initiate the request for assistance and his selection of the person to assist him must be entirely voluntary. Moreover, the person who does assist the illiterate or disabled elector must not, subject to criminal penalties, influence, or seek to influence, the elector's vote nor may he deceive the elector in the preparation of his ballot nor mismark or alter the elector's ballot nor divulge how the elector voted, Title 17, Sections 107, 293, 294, 305, 311, 313, 404, and 405, Code of Alabama, Recompiled 1958.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

June 12, 1974

Honorable Perry O. Hooper
Judge of Probate
Montgomery County Courthouse
Montgomery, Alabama 36101

License Taxes — Judges of Probate — Penalties.

1. Payments for business or occupational licenses mailed to Probate Judges or Commissioners of Licenses on or prior to October 31, but which are not received by them until November 1, or thereafter, are delinquent, and are subject

to the penalties for delinquency provided in Title 51, Section 835(e), infra.

2. One using the mails to remit the payments for business or occupational licenses takes the chance of such payments not arriving on time or being lost in the mails. These are just hazards encountered in using the mails for such purpose.

Opinion by Assistant Attorney General Burton.

Dear Judge Hooper:

Your request of April 18, 1974, for an opinion from this office is, as follows:

> "Each year I mail out notices of business licenses that are due under the law of Alabama to all license holders of record in the Probate Court of Montgomery. I am enclosing a form letter that I mail along with the notice.
>
> "As you can see from the letter, I make it clear that all business licenses must be purchased no later than the last day of October for the year due. From time to time I get checks in the mail after the deadline, but by the postmark on the envelope the checks were mailed prior to the deadline.
>
> "The office of the attorney general has written the past that checks must be in the office prior to the deadline. My office has collected a penalty.
>
> "Can there be any relief from paying a penalty when the licensee's check is lost in the mail? This year Dan River Cotton Company, Inc., mailed their check in but it was never received by my office. They had substantial evidence to show that they had mailed in their check five days prior to the deadline. I am enclosing a copy of their check five days prior to the deadline. I am enclosing a copy of their letter setting out their position."

The statute fixing the time of payment and also the delinquent date for all business and occupational license taxes is Title 51, Section 835(c), Code of Alabama 1940, Recompiled 1958. Section 835(c), supra, in this respect and pertinent part provides, as follows:

> "All licenses levied by this title except as otherwise provided shall be due and payable as of October first of each year and **Shall be delinquent November first thereafter."**

It is my information that the State Department of Revenue, which is given the "general and complete supervision and control" of the assessment and enforcement of the license tax laws, as well as most of the other tax laws of this State, under Title 51, Section 131, supra, has

over the years construed the above provision of Section 835(c) to mean that such taxes must be paid, and the payment actually received by the Judge of Probate or the Commissioner of Licenses, as the case might be, on or before October 31. If the payment thereof is not received by him by October 31, then on November 1, the license is delinquent, and the penalty becomes due. Thus, the mere mailing of the payment on or before October 31 would not be sufficient to toll the delinquent date, unless the payment is actually received by October 31 by the Probate Judge or Commissioner of Licenses.

On December 6, 1969, in an official opinion issued to you, and which is reported in Quarterly Report of the Attorney General, Vol. 137, page 50, this office ruled, in keeping with what is stated above, that payments mailed prior to November 1, but not received by Judge of Probate or Commissioners of Licenses until November 1, or thereafter, are "delinquent" within the meaning of Section 835(c), which also imposes the penalty for delinquency. Moreover, that opinion was based on the decision of the Alabama Supreme Court in a somewhat similar case and in **McDowell v. Henry,** 238 Ala. 663, 193 So. 108. Also other cases which appear to uphold in effect the principle that it is the actual receipt of the payment, and not just the mailing of same before the delinquent date, that meets the requirement of such statute, are **State of Alabama v. Empire Building Company,** 46 Ala. App. 565, 246 So. 2d 454, and **Hilker and Bletsch v. United States** (7th Cir.) 210 F. 2d 847.

The foregoing being considered, the answer to your question is in the negative. Under the provisions of Title 51, Section 835(c), supra, the payment for the license tax must be actually received by your office, and not just mailed, prior to November 1, or the license is delinquent and the penalty attaches. Under the circumstances then, the chance one takes in mailing the payment, and the payment arriving on time, is just one of the hazards that one assumes in using the mails, and this is particularly so during the present time.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

June 3, 9174

Honorable Wade H. Baxley
City Attorney
City of Dothan
Dothan, Alabama 36301

Municipal — Lie Detector — Police Officers.

1. City of Dothan may require pre-employment polygraph test for police officers.

2. City of Dothan may require employees of Police Department to take polygraph test for use in investigation of internal matters.

Opinion by Assistant Attorney General Goodwyn.

Dear Mr. Baxley:

Your request for an official opinion dated April 16, 1974, is as follows:

"The City of Dothan, Alabama, respectfully requests an opinion from your office in answer to the following questions:

"(1) Whether the City of Dothan can legally require an applicant for a job in the Police Department to take a polygraph test, the results of which would be considered in employing or not employing the applicant?

"(2) Whether the City of Dothan can legally require or order employees of the Police Department to take Polygraph tests for use in the investigation of internal police matters which may be considered and possibly result in disciplinary action?

"It is understood that the results of the Polygraph tests are not legally admissible in a court of law unless so stipulated by the parties. The test would of course, be given or administered by a licensed polygraph examiner as set out in the Polygraph Examiners Act (1971), No. 2056, approved October 1, 1971)."

In answer to your first question, I can find no statutory or case law in Alabama which would prevent the Dothan Police Department from requiring a pre-employment Polygraph test. I might mention, however, that, there is a growing trend in other jurisdictions to prohibit such tests by statute because of the questions of the right of privacy and the accuracy of Polygraph.

In answer to your second question, it is my opinion that the City of Dothan may legally require employees of the Police Department to take Polygraph tests for use in the investigation of internal police matters. While I have not found any Alabama cases on this point, of the other courts that have ruled on the question, a clear majority hold that government employees, specifically policemen, can be required to submit to Polygraph tests during department investigations and can be dismissed for refusal to comply. See **Roux v. New Orleans Police Department,** 223 So. 2d 905; **Talent v. City of Abilene,** 499 S. W. 2d 724; **Dolan v. Kelly,** 348 NYS 2d 478; and **McCain v. Sheridan,** 324 P. 2d 923. These cases note that the questions asked the testee must be relevant to his duties or to the investigation.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

June 24, 1974

Honorable Wallace K. Brown
Judge of Probate
Russell County
P. O. Box 700
Phenix City, Alabama

Probate Judges — Property

Probate Judges are not required to make a determination of the validity or accuracy of "metes and bounds" descriptions on instruments conveying interest in lands when such instruments are presented to them for recording.

Opinion by William G. O'Rear, Assistant Attorney General

Dear Judge Brown:

Your request for an official opinion dated June 13, 1974 is as follows: "The purpose of this letter is to request your opinion on the interpretation of Act #171, Section 1, presented and approved by Legislative Session January, 1972, copy enclosed.

The challenge has been presented as to whether a metes and bounds property description must be used only when a property description referring to a recorded or attached map, which is not recorded or attached and cannot fulfill the proper description; or, when there is no attached map and there is no map referred to by plat book and page number, then must the property be described in metes and bounds or will property description be accepted (as per example of deed copy enclosed)? Kindly state your opinion of an acceptable metes and bounds description.

Many thanks for this and past services your office has rendered us."

I construe the provisions of Act No. 171, Supra, as a prohibition on the recording by a probate judge of certain instruments describing land which:

a. refer to a plat which is not attached to the instrument presented for recording.

b. or refer to a plat but do not describe where the plat is officially recorded or may be located.

c. or the instrument presented for recording does not describe the subject land by metes and bounds.

The recording prohibition does not apply to wills or to instruments conveying land or interests therein recorded before the effective date

of Act No. 171 (January 21, 1972). Act No. 171 further exempts from the recording prohibition any instrument describing land executed after the effective date of said act wherein the grantor or mortgagor recites that the plat is lost, destroyed or unavailable for recording where, prior to the effective date, any person received a conveyance of such land, or any interest therein, in which the land was described by reference to a plat which was not recorded and not available to him.

Replying to your second question, "metes and bounds" is defined in **Black's Law Dictionary** as "the boundary lines of land, with their terminal points and angles." The terminology is further defined in **11CJS Boundaries Sec. 4,** as a phrase used, "to describe in lines or circumscribing lines of a certain piece of land; the angles or points where these lines change their direction."

I am of the opinion that where the calls or description are definite and clearly expressed, same would normally qualify as an acceptable "metes and bounds description." Conversely, if the descriptions are ambiguous and incapable of establishment after survey, they would not be acceptable.

You infer, by asking this office to define what is an acceptable meets and bounds description, that Act No. 171 requires such a determination by a probate judge before accepting an instrument for recordation. In my opinion this would place an unconscionable burden on the probate judges of this state by requiring them to make a judgment on the validity of every metes and bounds description presented. I am of the opinion that a probate judge may accept for recording any instrument describing land which on its face purports to be in metes and bounds.

I trust the opinion expressed, answers both questions presented and furnishes you the desired information. If you need further advice, please let us know.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

June 27 ,1974

Honorable Charles A. Boswell
Commissioner
Department of Revenue
State of Alabama
Administrative Building
Montgomery, Alabama 36104

Licenses — Auctioneers — Counties — Revenue. Procedure for collecting and disposing of County Auctioneer's License fee.

Opinion by Assistant Attorney General Brunson.

Dear Sir:

Your request for an official opinion dated May 21, 1974, is as follows:

"In an opinion dated April 11, 1974 to E. W. Patton, Secretary, State Board of Auctioneers relating to Act No. 811, Regular Session 1973, in answer to question No. 3, it is stated:

" 'Section 23 provides for a county license of twenty-five dollars in each county where an auctioneer sells by auction. Thus, question No. 3 asking if the $25.00 county license will be collected by the county upon positive proof the person applying has a State Auctioneer's license issued by the board is answered in the affirmative.'

"I assume that the county official to issue the license is the Probate Judge or Commissioner of Licenses.

"Your opinion is requested in answer to the following questions:

"1. How should the $25.00 for the county license be distributed

"2. Can the Probate Judge or Commissioner of License charge an issuance fee?

3. Can the Probate Judge or Commissioner of License charge a penalty for issuing delinquent licenses and, if so, how much and into what fund does the penalty go?

"4. Is the Probate Judge or Commissioner of Licenses entitled to receive 2½% of the amount collected for said license as is otherwise provided in Section 847, Title 51, Code of Alabama 1940?"

The money collected as a result of the $25.00 County Auctioneer's License shall be collected and distributed under the provisions of Title 51, Article 13, Code of Alabama 1940, Recompiled 1958.

The $25.00 collected for the County License will be paid to the County Treasurer as provided by Section 847 of Article 13.

The Probate Judge or Commissioner of Licenses can charge an issuance fee of fifty cents under Section 831 of Article 13.

Section 835 of Article 13 provides for the Probate Judge or Commissioner of Licenses to charge a penalty for issuing delinquent licenses. The amount of the penalty shall be fifteen percent of the amount of the license, which penalty must be collected by the Probate Judge or Commissioner of Licenses when the license is taken out together with interest at six percent from the date of the delinquent.

The money collected from these penalties shall be paid out as further by Section 835, supra.

The Probate Judge or Commissioner of Licenses is entitled to receive 2½% of the amount collected for sair License as is otherwise provided in Section 847, Title 51, Code of Alabama 1940.

Yours very truly,

WILLIAM J. BAXLEY
Attorney General

INFORMAL OPINIONS

During the period April 1, 1974 through June 30, 1974, the Attorney General rendered the following informal opinions. These informal opinions are not published in the Quarterly Report.

Subject	Addressee	Date	File No.
	— A —		
ABC ACT			
Mobile Greyhound Park— Liquor Tax Exemption	Henry Steagall	Apr. 17	384
ABC BOARD			
Board Truck Drivers— Employee's Insurance	Henry Gray	May 21	ABC Bd.
Agents May Execute Drug Search Warrants	Henry Gray	May 10	ABC Bd.
Wine Sales to Military Bases	Henry Gray	June 14	ABC Bd.
ABSENTEE BALLOTS			
Register Paid $10 Day—Zoning Election	Conrad Fowler	Apr. 17	288
ADOPTION			
Fees Due Probate Judge	S. W. Williams	May 15	316
AD VALOREM TAX			
Exemption—Valley Foundation	O. H. Moore	Apr. 11	291
Exemption—Housing Foundation of Huntsville	O. H. Moore	Apr. 11	291
Delinquent Tax Land Sale—			

Subject	Addressee	Date	File No.
Time Sequences	Chas. Howard	Apr. 25	305
Vehicles Leased to U.S. Postal Service	James Strong	June 19	392
AIRPORTS			
Airport Hazard Area—Who Defines	Bill King	Apr. 22	175
ALABAMA A. AND M.			
Yearbook Contract Discussed	Leander Patton	Apr. 15	304
ALABAMA EDUCATION STUDY COMMISSION			
Contract Employees—Paid from "Salaries" Line Item	Joe Dawkins	Apr. 12	Educ. Study Comm.
Members Not "State Official"—Ethics Law	Melvin Cooper	Apr. 25	Ethics Comm.
ALABAMA INSTITUTE FOR DEAF AND BLIND			
Board Members—No Particular Congressional District	W. W. Elliott	June 14	127
ALABAMA PEACE OFFICERS ANNUITY & BENEFIT FUND			
Effective Date Act 1210—Recurring Injury	Virginia Bryant	Apr. 11	APO
ALABAMA PUBLIC LIBRARY SERVICE			
State Aid to Counties Without Library Board	Eliz. Beamguard	May 31	286

Subject	Addressee	Date	File No.
ALABAMA STATE BOARD OF AUCTIONEERS			
Non-Resident—License Requirements	Frank Volentine	Apr. 26	139
$50 License Exam Fee	Max Jones	June 18	365
AMBULANCE SERVICE			
City Funds to Operate Public Ambulance Service—Act 482, 1969 Session	Norman Wood	May 2	292
ANNISTON, CITY OF			
Bar Drinks—Election in November	Robert Field	June 10	356
ATTORNEYS			
Assistant City Attorney—Ethics Law	Melvin Cooper	May 7	Ethics Comm.
City Recorder/City Attorney—Same Law Firm	Kenneth Fuller	May 31	375
AUCTIONEERS			
License Requirements—Non-Resident	Frank Volentine	Apr. 26	139
AUDIT			
County Hospital—Payment For Audit	Thos. Rountree	May 8	46
	— B —		
BAIL AND BONDS			
Traffic Misdemeanor—Written Appearance Bond	Walter Hayden	June 14	152
BALDWIN COUNTY			
Conservation Dept.—Lease of Ft. Morgan	Claude Kelley	Apr. 10	Conservation Dept.

Subject	Addressee	Date	File No.
BANKING			
Branch Banks Approval	Leonard Johnson	Apr. 15	Banking Dept.
Branch Banks—Town of Munford	Albert Rains	June 7	336
Branch Offices—Savings & Loan	Leonard Johnson	Apr. 15	Banking Dept.
State Funds Deposited— Bank Officer Legislator	Melvin Cooper	May 31	Ethics Comm.
Pension/Disability Payments— Garnishment	Lehman Lewis	May 22	Banking Dept.
Sec. 11, Consumer Credit Act—Applies to All Creditors	Lehman Lewis	May 7	Banking Dept.
BANKING DEPT.			
Credit Sales—Notification Fee— Consumer Credit Act	Lehman Lewis	Apr. 15	Banking Dept.
Cancellation of Door-to-Door Sales— FTC and Consumer Credit Act	Lehman Lewis	May 31	Banking Dept.
BANKRUPTCY			
City May Accept Less Than Amount Owed It	David Hyde	Apr. 5	133
BLOUNT COUNTY			
Name of Preparor on Instruments of Title	Thos. Rountree	June 7	46
BOARD OF BARBER EXAMINERS			
Barber—Ass't Instructor— Out-of-State Applicants—Exam Fee	Martin Durden	June 7	Bd. Barber Exam.

Subject	Addressee	Date	File No.
Board Members Must Practice in Alabama	Martin Durden	June 17	Bd. Barber Exam.
Board Member Paid For Work with Education Dept—Not With Legislature	Martin Durden	May 24	Bd. Barber Exam.
BOARD OF CORRECTIONS			
Mobile Work Release Center—Perishable Foods—Exempt Competitive Bid	L. B. Sullivan	Apr. 29	Bd. Corr.
Purchase From CAN Foundation—Mobile Work Release Center	L. B. Sullivan	June 13	Bd. Corr.
BOARDS OF EDUCATION			
Removal of Student from School	John Fulmer	Apr. 17	284
Teaching Outside Field of Certification—$500 Penalty	Paul Hubbert	Apr. 19	Tenure Comm.
School Funds Deposited in Bank—Bd. Education Member Officer of Bank	Wade Baxley	Apr. 25	310
Salary Increase Prohibition—Applies to Appointed Officials	R. G. Cook	May 15	312
Cannot Spend Funds—Mementos to Retiring Teachers	Ed Arnold	May 13	314
Cannot Dispose of School—For "Nominal Consideration"	Don Stewart	May 13	34
Must Pay Teachers—Jury Duty/Subpoenaed as Witness	Sam Jones	May 29	321
Boards are "Educational Institutions"—Title 23	W. M. Beck	May 31	171

Subject	Addressee	Date	File No.
Teachers Supplement—Minimum Program Fund	L. N. Payne	June 5	366
County Agencies—Property Reappraisal Expense	Ruben Porch	June 27	378
Coffee Co. Supt. of Education—Subject to Agreement of Supt. and Bd. of Educ.	J. H. Baker	June 7	381
School Bus Accident With Vehicle—County Bd. Cannot Pay Party Whose Vehicle Damaged	Carl Barker	June 6	380
Payment of Dislocated Faculty Members—Desegregation	Paul Hubbert	June 18	Tenure Comm.
County Board Member—Head Start Program Employee	Ulysses Byas	June 27	394
Teacher Sues in Court—Paid if on leave	Sam Jones	June 24	321
BOARD OF EXAMINERS IN PSYCHOLOGY			
May Test Candidates Prior to Doctoral Award	Judy Hall	June 19	Bd. Exam. Psych.
BOARDS OF REGISTRARS			
Divorcees—Use of Maiden Name	S. A. McDaniel	Apr. 19	302
BUILDING COMMISSION			
Bid Change—Outside of Bid Envelope (Galloway Opinion dated 5-30-73 modified)	Thos. Galloway	May 2	294
BUREAU OF PUBLICITY AND INFORMATION			
State Welcome Centers—Specialized Personnel	Doug Benton	June 10	357

Subject	Addressee	Date	File No.
BUS SERVICE			
Retirement System Payments—Mobile Bus Lines, Inc.	Fred Collins	Apr. 30	301
	— C —		
CANDIDATES			
Federal Employee—City Commission	Thos. Mullis	May 21	318
Expense Accounts—Public Records	Flora Stewart	May 27	317
Probate Judge—Not Lawyer	John Hargis	May 17	324
CIRCUIT COURT CLERKS AND REGISTERS			
Fee-Paid Circuit Clerk—Revenue Sharing	Fred Gray	Apr. 4	141
May Not Issue Felony Warrant	Cecil Reed	Apr. 4	277
Payment of Mileage to Jurors	Kyle Lansford	Apr. 4	280
Salaried Clerk—No Warrant Fee	R. L. Foster	Apr. 2	134
Collection and Disbursement—Solicitor's Fee/Trial, Tax/Witness Fees	W. R. Draughon	June 13	393
Special Election—Absentee Ballots—Register's Pay	Conrad Fowler	Apr. 17	288
Trial Exhibits—When May Destroy	Barbara Pippin	Apr. 15	303
COASTAL AREA BOARD			
Jurisdiction—Flood Prone Areas	Luther Hyde	May 22	Coastal Area Bd.
COFFEE COUNTY			
Office of Supt. of Educ.—Mutual Agreement with Board	J. H. Baker	June 7	381

Subject	Addressee	Date	File No.
COLLEGES AND UNIVERSITIES			
Security Police Authority—Mobile General Hospital	J. M. Rowland	June 10	368
COMMISSIONS			
Adoption of Park Facilities Plan—City Planning Commission	J. Aronstein	May 31	353
COMPETITIVE BID LAW			
State Contract—When City May Use	Barry McCrary	Apr. 23	293
No Bids Received—Open Market	James Sowell	Apr. 16	Finance Dept.
Proposal Change—Outside of Bid Envelope (5-30-73 Opinion modified.)	Thos. Galloway	May 2	294
Mobile Work Release Center—Perishable Foods	L. B. Sullivan	Apr. 29	Bd. of Corrections
Utilities Board—Over $500	Dennis Porter	May 3	306
City Contract with Golf Pro—No Bidding	Mary Baxter	May 6	307
Mayoral Authority—Equipment Modification	Chas. Young	May 21	313
Historic Chattahoochee Commission	Doug Purcell	June 18	Chatt. Comm.
COMPREHENSIVE EMPLOYMENT AND TRAINING ACT			
Madison Co./Huntsville Project	Joe Davis	June 11	390
CONFLICTS OF INTEREST			
School Funds Deposited—Officer School Board Member	Wade Baxley	Apr. 25	310

Subject	Addressee	Date	File No.
Architect—City Planning Commission—Not Employee	Irving Porter	Apr. 26	311
City Attorney—Recorder—Same Law Firm	Kenneth Fuller	May 31	375
Industrial Development—Board Member—Cannot Bid Project	J. V. Mince	May 31	376
Member County Bd. of Education—Head Start Employee	Ulysses Byas	June 27	394
CONSERVATION DEPARTMENT			
Lease of Ft. Morgan	Claude Kelley	Apr. 10	Conservation Dept.
Oyster Seeding—Reimbursement	Claude Kelley	Apr. 23	Conservation Dept.
Lake Guntersville State Park—Personnel	Claude Kelley	Apr. 9	Conservation Dept.
Sylvania Lake Construction Payments	Claude Kelley	May 10	Conservation Dept.
Mispayment—Oil and Gas Revenue	Claude Kelley	May 10	Conservation Dept.
Execution of Writs—Shelby County	Claude Kelley	May 15	Conservation Dept.
State-Owned Boats—Registration Fees	Claude Kelley	May 31	Conservation Dept.
Basket Fishing License Funds—Disbursement	Claude Kelley	June 17	Conservation Dept.

Subject	Addressee	Date	File No.
Canyon Land, Inc.—Easement Terminated	Claude Kelley	June 18	Conservation Dept.
Game and Fish Division—Boat Rentals	Claude Kelley	June 25	Conservation Dept.
CONSUMER CREDIT ACT			
Notification Fee—Finance Charges	Lehman Lewis	Apr. 15	Banking Dept.
Pension/Disability Programs—Payments Cannot Be Garnished	Lehman Lewis	May 22	Banking Dept.
Sec. 11—All Creditors Subject	Lehman Lewis	May 7	Banking Dept.
Sec. 8/FTC Regulation—Door-to-Door Sales	Lehman Lewis	May 31	Banking Dept.
CONTRACTS			
State Contract—When City May Utilize	Barry McCrary	Apr. 23	293
Yearbook Contract—Alabama A&M	Leander Patton	Apr. 15	304
Sylvania Lake Construction—Conservation Dept.	Claude Kelley	May 10	Conservation Dept.
Out-of-State Corporation—"Doing Business" with State	Wade Baxley	May 27	310
Service Contract—One Year Limit	B. H. Strickland	May 28	320
County Contract—Landscape Architect	R. L. Harbison	May 29	346
Bookmobile Service—Baldwin Co.	Larry Black	May 15	344
License Classification—Construction Contractor	Richard Prescott	June 17	354
Construction—Northport Nursing Home	L. M. Northington	May 21	132
Price Increase—Toulmin Springs, Prichard	Shafter Summers	June 17	358

Subject	Addressee	Date	File No.
Industrial Development Bd. Member—Construction Project	J. V. Mince	May 31	376
Planning Commission/Historical Commission—Agreement	Warner Floyd	June 5	Ala. Hist. Comm.
Legislator's Firm—Contract with City	Melvin Cooper	June 25	Ethics Comm.
CONTROLLED SUBSTANCES ACT			
ABC Agents—Execute Search Warrants	Henry Gray	May 10	ABC Bd.
CORONERS			
Deputy Coroner Authority—Death of Coroner	Gerald Colvin	Apr. 3	275
COUNCIL ON ARTS AND HUMANITIES			
Grant Applications Are Public Records	Aubrey Green	June 10	372
Director Furnishes Minutes of Meetings to Citizens	Audrey Green	June 4	372
COUNTIES			
Circuit Judges—Salary Supplement from County	L. J. Tyner G. H. Wright	Apr. 17	285
Auxiliary Deputy Sheriffs Equipment—County Pays	Thos Rountree	May 17	46
Tax Assessor—Additional Clerical Help	T. M. Brantley	May 2	206
Health Dept.—Septic Tank Permit	Terry Snow	May 17	323
Motor Vehicle Tag Receipts—Postage	Charles Boswell	May 7	Revenue Dept.
Contract With Landscape Architect	R. L. Harbison	May 29	346
Sheriff—Supplemental Allowance—Prisoner Food	Fred Davis	May 28	355

Subject	Addressee	Date	File No.
COURTS			
Trial Exhibits—When Can Destroy	Barbara Pippin	Apr. 15	303
County Pays Probation Officers—When Court Appointed	Ronald Green	June 17	351
City Recorder—Town Attorney—Same Law Firm	Kenneth Fuller	May 31	375
Solicitor's Fee—Trial Tax—Witness Fees	W. R. Draughon	June 13	393
CULLMAN COUNTY			
County Commission—Contract With Landscape Architect	R. L. Harbison	May 29	346
	— D —		
DEED TAX			
Due on Four Deeds Cited	R. I. Gentry	May 17	322
DEPARTMENT OF COURT MANAGEMENT			
Use of Local Funds—LEPA Grants	Charles Cameron	May 22	Court Mgt.
DISTRICT ATTORNEYS			
Death of Coroner—Deputy Coroner Authority	Gerald Colvin	Apr. 3	275
Uniform Reciprocal Support Act—Ends at Age 21	Fred Simpson	Apr. 30	299
Supernumerary D.A.—Not "State Official"—Ethics Law	Melvin Cooper	May 7	Ethics Comm.
Assistant D.A.s—Ethics Law—$12,000 Test	Melvin Cooper	May 3	Ethics Comm.

Subject	Addressee	Date	File No.
DOTHAN, CITY OF			
Motor Vehicle Tax—Five Mills	R. J. Stembridge	May 29	361
DUAL OFFICE HOLDING			
Bd. of Barber Examiners—Education Dept.—Legislature	Martin Durden	May 24	Bd. of Barber Exam.
— E —			
EASEMENTS			
Canyon Land, Inc.—DeSoto State Park	Claude Kelley	June 18	Conservation Dept.
EDUCATION			
Medical Scholarships—Hospital Board	J. P. Oliver	May 3	300
Bd. of Pardons & Paroles—Workstudy Program—Per Diem	L. B. Stephens	June 27	Bd. of Pardon & Paroles
EDUCATION DEPARTMENT			
Title 52—Reorganization—Joint Action	Leroy Brown	Apr. 2	Education Dept.
State Board—Majority Vote of Quorum	Leroy Brown	June 19	Education Dept.
ELECTIONS			
Annexation—Voter Eligibility	Donald Stewart	Apr. 9	34
Electioneering on Election Day—Prohibited	David Lee	May 14	22
City Councilman—When Vacates—Elected to State Office	Carol Cole	May 27	349
Across-the-Bar Liquor—Anniston	Robert Field	June 10	356

Subject	Addressee	Date	File No.
EMPLOYERS AND EMPLOYEES			
Mobile County—Funds to Retirement System—Administrative Error	Maury Friedlander	Apr. 19	49
City Contract—Golf Pro—No Ads Required	Mary Baxter	May 6	307
State Training School Board—Authority Over Employees	C. F. Collison	May 9	124
Garnishment Law—Prepayment of Water Bill—Paycheck	Ira Pruitt	June 4	374
Vacation Leave Accrual—While on sick Leave	Wm. Willard	June 26	197
Participation in Retirement Plan—Condition of Employment	E. S. Enoch	June 10	383
ETHICS COMMISSION			
Opinions of Commission—Criminal Proceeding	Leslie Wright	Apr. 4	Ethics Comm.
Ala. Education Study Comm.—Members Excepted	Melvin Cooper	Apr. 25	Ethics Comm.
Financial Disclosure—Unpaid Public Officials	Melvin Cooper	May 9	Ethics Comm.
Supernumerary D.A.—Not "State Official"—$12,000 Test	Melvin Cooper	May 7	Ethics Comm.
Ass't. City Attorney—Ethic Law	Melvin Cooper	May 7	Ethics Comm.
State Funds Deposited—Bank Officer is Legislator	Melvin Cooper	May 31	Ethics Comm.
Assistant D.A.—$12,000 Test	Melvin Cooper	May 3	Ethics Comm.
Legislator's Company—Sub-Contract With City	Melvin Cooper	June 25	Ethics Comm.

Subject	Addressee	Date	File No.
State Personnel Director—Part-Time Teacher For Auburn University	Melvin Cooper	Apr. 19	Ethics Comm.
Mt. Meigs Industrial School Trustee—"State Official"	Melvin Cooper	May 9	Ethics Comm.
EXAMINERS OF PUBLIC ACCOUNTS			
State Agencies—Equipment Purchases	A. W. Steineker	June 5	Exam of Public Accts.
EXPENSES			
Candidates—Expense Accounts—Public Records	Flora Stewart	May 27	317
Expense Allowance—County Bd. of Equalization	J. P. Faulk	May 17	345
Compensation—Youth Services Board	Robert Hill	May 20	395
Pardons & Paroles Employees—Workstudy Program at Troy State	L. B. Stephens	June 27	Pardons & Paroles
— F —			
FEDERAL UNIFORM RELOCATION ACT			
Education Dept.—Federal Funds	Leroy Brown	June 6	Education Dept.
FEES			
Salaried Circuit Court Clerk—Warrant Fee	R. L. Foster	Apr. 2	134
Adoption Procedure Fees	S.W.H. Williams	May 15	316
State-Owned Boats—Registration Fees	Claude Kelley	May 31	Conservation Dept.

Subject	Addressee	Date	File No.
Shelby Co.—Forest Land Fee—Act 1000 Disbursement—Solicitor's Fee—Trial Tax—State Witness Fee	Thos. Snowden W. R. Draughon	June 26 June 13	391 393
FINANCE DEPARTMENT			
State Purchasing Agent—No Bids—Open Market	James Sowell	Apr. 16	Finance Dept.
FOOD LAWS			
Baked Goods Sales—Civic Groups—Health Regulations	Richard Shelby	Mar. 13	155
FUNDS			
Salary Increase—Juvenile Probation Officer—LEPA Funds	Ira Weissinger	Apr. 4	98
Revenue Sharing—Circuit Clerk—Fee System	Fred Gray	Apr. 4	141
School Board—Teacher's Legal Defense	Paul Hubbert	Apr. 1	Tenure Comm.
City May Not Donate Property—Private Firm	W. A. Rognelson	Apr. 4	263
Industrial Development Board—Prichard May Not Loan Funds	Robert Kendall	Apr. 10	281
Premium Tax Revenue—Non-Profit Corporations—Mental Health Fund	Fred Zeigler	Apr. 18	Comptroller
Public Library Service—State Aid—Independent Town Libraries	Eliz. Beamguard	Apr. 15	286
Sheriff's Fund—Travel Expenses	Melvin Bailey	Apr. 17	249
City Aid—Public Ambulance Service	Norman Wood	Apr. 12	292

Subject	Addressee	Date	File No.
Oyster Seeding—Reimbursement	Claude Kelley	Apr. 23	Conservation Dept.
Medical Scholarships—Hospital Board	John Oliver	May 3	300
Act. 482, 1969 Acts—City Funds—Public Ambulance Service (Opinion of 4-12-74 rescinded.)	Norman Wood	May 2	292
Industrial Development Board—Interest on Loan to Developer	Robert Kendall	May 3	281
Blount Co. Hospital—Payment For Audit	Thomas Rountree	May 8	46
School Funds Deposit—Bank Officer School Board President	Wade Baxley	Apr. 25	310
Auxiliary Deputy Sheriffs—Uniforms—County May Pay	Thomas Rountree	May 17	46
Sylvania Lake Project—Payment to Contractor	Claude Kelley	May 10	Conservation Dept.
Local Funds—LEPA Grant Match	Charles Cameron	May 22	Dept. Court Mgt.
County Funds—5% LEPA Grant	David Crosland	May 29	319
State Funds Deposit—Bank Officer is Legislator	Melvin Cooper	May 31	Ethics Comm.
City Donation to Another City—Disaster Relief	Morris Savage	May 24	362
Gifts to Board of Trustees—Wiregrass Hospital	W. C. Kingsbery	June 10	373
Education Dept.—Federal Funds—Relocation Act	Leroy Brown	June 6	Education Dept.
Counties without Library Board—State Aid	Eliz. Beamguard	May 31	286

Subject	Addressee	Date	File No.
Batson Hospital—Financial Claims of Doctors	Glenn McClendon	June 19	379
Private Vehicle Damage—School Bus	Carl Barker	June 6	380
Tax Assessor—No More Clerical Help	Berneal Brock	June 21	16
County—Public Road—State of Georgia	James Avary	June 26	13
Dale Co. Hospital—Payment to Bill—Wiregrass Mental Health Center	Ernest Beverly	June 25	158
— G —			
GARNISHMENTS			
Pension and Disability Programs—Payments Not Subject	Lehman Lewis	May 22	Banking Dept.
Consumer Credit Act—Sec. 11—Applies To All Creditors	Lehman Lewis	May 7	Banking Dept.
Prepay Water Bill—Paycheck	Ira Pruitt	June 4	374
— H —			
HIGHWAY DEPARTMENT			
Oil and Gas Lease Revenue—Mispayment to Bd. of Corrections	Claude Kelley	May 10	Conservation Dept.
HISTORIC CHATTAHOOCHEE COMMISSION			
Commission Subject To Competitive Bid Law	Douglas Purcell	June 18	Hist. Chatt.
HISTORICAL COMMISSION			
Agreement—B'ham Regional Planning Comm.	Warner Floyd	June 5	Comm. Hist. Comm.

Subject	Addressee	Date	File No.
HOLIDAYS			
Jacksonville—City Council Determines	John Nisbet	Apr. 3	85
HOSPITALS			
Prisoner Injured—Escape Attempt—County Pays Medical Bills	Doss Leak	May 8	308
Blount Co. Hospital—Payment for Adult	Thomas Rountree	May 8	46
Medical Scholarships—Hospital Board	John Oliver	May 3	300
Sales Tax Revenue—Build Hospital—Pickens Co.	Robert Kirksey	June 7	227
Gifts to Bd. of Trustees—Wiregrass Hospital	W. C. Kingsbery	June 10	373
Batson Hospital—Financial Claims of Doctors	Glenn McClendon	June 19	379
Dale Co. Hospital—Payment of Bill—Wiregrass Mental Health Center	Ernest Beverly	June 25	158
HOUSING AUTHORITY			
Eviction Procedure—Northport Authority	Ted Northington	June 10	132
Title 56, Section 27—Closing of Streets	F. J. Allen	June 20	370
— I —			
INDUSTRIAL DEVELOPMENT BOARDS			
City Loan to Board	Robert Kendall	Apr. 10	281
City May Not Donate Property—Private Firm	W. A. Rognelson	Apr. 4	263

Subject	Addressee	Date	File No.
Funds Loaned to Developer—Interest Charged	Robert Kendall	May 3	281
Board Member—Construction Bid	J. V. Mince	May 31	376
INDUSTRIAL RELATIONS DEPT.			
Payment For Accrued Sick Leave—Retirement	Robert Weller	Apr. 19	Ind. Rel. Dept.
INSURANCE			
Teachers Medical Insurance	Paul Hubbert	Apr. 4	Tenure Comm.
ABC Board Truck Drivers—Insurance	Henry Gray	May 21	ABC Bd.
Private Vehicle Damage—School Bus Accident	Carl Barker	June 6	380
— J —			
JACKSON COUNTY			
Deed Tax—Four Deeds Cited	R. I. Gentry	May 17	322
JUDGES			
Circuit Judges—County Salary Supplement	L. J. Tyner		
JURORS AND JURIES	G. H. Wright	Apr. 17	285
Payment of Mileage to Jurors—Number of Days	Kyle Lansford	Apr. 4	280
Juror Pay Act—"Usual Compensation"	John Baker	June 7	369
Teachers on Jury Duty—Paid	Sam Jones	May 29	321

Subject	Addressee	Date	File No.
	— L —		
LAMAR COUNTY			
County Funds—Clerical Help—Tax Assessor	Berneal Brock	June 21	16
LAW ENFORCEMENT PLANNING AGENCY			
Juvenile Probation Officer—Salary Increase—LEPA Funds	Ira Weissinger	Apr. 4	98
Local Funds—LEPA Grant	Charles Cameron	May 22	Dept. of Court Mgt.
County Funds—5% Match—LEPA Grant	David Crosland	May 29	319
LEASES			
Eviction Procedure—Northport Housing Authority	Ted Northington	June 10	132
LIABILITY			
City Not Liable—Off-Duty Police	Jimmy Brogden	May 17	315
LIBRARIES			
Public Library Service—State Aid—Independent Libraries	Eliz. Beamguard	Apr. 15	286
Baldwin Co.—Escambia Co.—Bookmobile Service Contract	Larry Black	May 15	344
State Aid—Warrants to Governing Body	Eliz. Beamguard	May 31	286
LICENSES AND PERMITS			
Auctioneer's License—Non-Resident Out-of-State Corporation—	Frank Volentine	Apr. 26	139

Subject	Addressee	Date	File No.
Bid on City Contract	Wade Baxley	May 27	310
Health Dept.—Septic Tank Permit— Percolation Test	Terry Snow	May 17	323
License Classification— Construction Contractor	Richard Prescott	June 17	354
Barber Examiners—Ala. Residence	Martin Durden	June 17	Bd. of Barber Exams.
Basket Fishing Licenses—Surplus Funds	Kyser Leonard	June 17	367
Coin Billiard Table— Less than Regular Size	Alex Saliba	June 10	371
Bd. Examiners in Psychology— Testing Prior to Degree	Judy Hall	June 19	Bd. Exam. Psych.
Baked Goods Sales— Health Dept. Regulations	Richard Shelby	May 13	155
Taxes on Vehicles— Leased To Postal Service	James Strong	June 19	392
	— M —		
MACON COUNTY			
Reveue Sharing—Clerical Help— Circuit Clerk	Fred Gray	Apr. 4	141
MADISON COUNTY			
Commercial Credit Corp.— Title 51, Sec. 619(b)	Myrtle Green	May 3	295
Airport Hazard Area—Who Defines	Bill King	Apr. 22	175
Huntsville—Employment & Training Act	Joe Davis	June 11	390

Subject	Addressee	Date	File No.
MEDICAID			
Sales Tax—Nursing Home Purchases	Paul Robinson	June 20	Pub. Health
MENTAL HEALTH			
Special Fund—Non-Profit Corps.—Premium Tax Revenue	Fred Zeigler	Apr. 18	Comptroller
MENTAL HEALTH CENTERS			
Dale Co. Hospital—Payment of Bill—Wiregrass Mental Health Center	Ernest Beverly	June 25	158
MERIT SYSTEM			
Payment Acrurued Sick Leave—Retirement	Robert Weller	Apr. 19	Ind. Rels Dept.
MINIMUM PROGRAM FUND			
Talladega Funds—Teacher Supplement	L. N. Payne	June 5	366
MOBILE, CITY OF			
Retirement Payments—City Bus Lines, Inc.	Fred Collins	Apr. 30	301
MOBILE COUNTY			
May Remit Funds to Retirement System—Administrative Error	Maury Friedlander	Apr. 19	49
MOBILE GENERAL HOSPITAL			
Security Personnel—Police Authority	J. M. Rowland	June 10	368
MOBILE GREYHOUND PARK, LTD.			
Exempt From Liquor Taxes	Henry Steagall	Apr. 17	384

Subject	Addressee	Date	File No.
MONTGOMERY, CITY OF			
Recreation Facility Review—City Planning Comm.	J. Aronstein	May 31	353
MOTOR CARRIER ACT			
Pulpwood Chips are Pulpwood	Kenneth Hammond	Apr. 15	Pub. Serv. Comm.
MT. MEIGS INDUSTRIAL SCHOOL			
Trustee is "State Official"—Ethic Law	Melvin Cooper	May 9	Ethics Comm.
MUNICIPALITIES			
Money Owed By Bankrupt Company	David Hyde	Apr. 5	133
Jacksonville City Council—Determines Holidays	John Nisbet	Apr. 3	85
Prichard Cannot Loan Funds—Industrial Development Board	Robert Kendall	Apr. 10	281
Water Board Directors—Salaries	Warren Aaron	Apr. 5	279
Cannot Donate Property— Private Firm	W. A. Rognelson	Apr. 4	263
City Aid to Public Ambulance Service	Norman Wood	Apr. 12	292
Oxford Police Chief—Reinstatement	W. O. Walden	Apr. 23	297
Fire Dept.—Fires On Fishing Boats	Richard Lacey	May 6	296
City Funds—Public Ambulance Service (Opinion of 4/12/74 rescinded.)	Norman Wood	May 2	292
Industrial Development Bd.—Interest on Loan	Robert Kendall	May 3	281
Financial Disclosure—Ethics Commission Determines	Melvin Cooper	May 9	Ethics Comm.

Subject	Addressee	Date	File No.
Recordation of Subdivision Plats—County Engineer Approves	Hoyt Weathers	Apr. 29	309
City Contract With Golf Pro—No Bids Required	Mary Baxter	May 6	307
City Manager Control—Utilities/Police/Fire Depts.	Wade Baxley	Apr. 19	310
Planning Commission Architect—Uncompensated—Not Employee Per Title 37	Irving Porter	Apr. 26	311
City Not Liable—Off Duty Policemen	Jimmy Brogden	May 17	315
Federal Employee—City Commission Candidate	Thomas Mullis	May 21	318
Councilman Must Reside City—Council Votes Replacement	Lee Wilson	May 17	154
Equipment Bought By Competitive Bid—Mayor Cannot Modify	Charles Young	May 21	313
Bd. of Adjustment—Office Space in Residential Area	Horace Powell	May 17	271
Service Contracts—One Year Limit	B. H. Strickland	May 28	320
When Councilman Vacates Office—Elected State Office	Carl Cole	May 27	349
Garbage Fee—Within Police Jurisdiction	Raymond Elwell	May 27	347
Donation to Another City— Disaster Relief	Morris Savage	May 24	362
City May Close Street—To Construct Mall	F. J. Allen	June 20	370
Vacation Leave Accrual While on Sick Leave	William Willard	June 26	197
Retirement Plan—Condition of Employment	E. S. Enoch	June 10	383

Subject	Addressee	Date	File No.
	— N —		
NOTARY PUBLIC			
19 Year Old—May Be Appointed	John Puryear	May 24	348
NURSING HOMES			
Northport Construction Contract	L. M. Northington	May 21	132
	— O —		
OFFICERS AND OFFICES			
Authority Deputy Coroner—Death of Coroner	Gerald Colvin	Apr. 3	275
Water System Directors—Salary	Warren Aaron	Apr. 5	279
City Manager Ordinance—Control Over City Department	Wade Baxley	Apr. 19	310
City Councilman Not Resident—Creates Vacancy	Lee Wilson	May 17	154
OXFORD, CITY OF			
Reinstatement—Chief Of Police	W. O. Walden	Apr. 23	297
OYSTERS			
Seeding Funds—Reimbursement	Claude Kelley	Apr. 23	Conservation Dept.
Closing Private Oyster Beds—Pollution	Ira Myers	May 1	Pub. Health Dept.

Subject	Addressee	Date	File No.
	— P —		
PARDONS AND PAROLES BOARD			
Workstudy Program—			
Employees Paid Per Diem	L. B. Stephens	June 27	Pardons & Paroles
PENSIONS AND SECURITY			
Uniform Reciprocal Support Act—Age 21	Fred Simpson	Apr. 30	299
PERSONNEL DEPARTMENT			
Skilled Services Contract—			
Lake Guntersville Park	Claude Kelley	Apr. 9	Conservation Dept.
State Welcome Centers—			
Specialized Personnel Services	Douglas Benton	June 10	357
PICKENS COUNTY			
Sales Tax Revenue—Hospital Construction	Robert Kirksey	June 7	227
PLATS AND PLAT BOOKS			
Subdivision Recordation—			
County Engineer Approves	Hoyt Weathers	Apr. 29	309
Tax Assessor—Clerical Help—Replatting	T. M. Brantley	May 2	206
POLICE OFFICERS			
Reinstatement—Chief of Police	W. O. Walden	Apr. 23	297
City Not Liable—Off Duty Police	Jimmy Brogden	May 17	315
Security Personnel Authority—			
Mobile Hospital	J. M. Rowland	June 10	368

Subject	Addressee	Date	File No.
POLLUTION			
State Health Officer—Closing Oyster Beds	Ira Myers	May 1	Pub. Health Dept.
PRICHARD, CITY OF			
Toulmin Springs Project—Price Increase	Shafter Summers	June 17	358
PRISONS AND PRISONERS			
County Pays Medical Bills—Escape Attempt	Doss Leak	May 8	308
Work Release Program—Employed By City	James Evans	Apr. 26	350
Supplemental Food Allowance From County	Fred Davis	May 28	355
PROBATE JUDGES			
Financing Statement—			
Commercial Credit Corporation	Myrtle Green	May 3	295
Recordation Subdivision Plats	Hoyt Weathers	Apr. 29	309
Electioneering On Election Day	David Lee	May 14	22
Fees Due—Adoption Procedure	S. W. Williams	May 15	316
Vehicle Tag Receipts—Postage	Charles Boswell	May 7	Revenue Dept.
Candidate—Being Lawyer Not Required	John Hargis	May 17	324
Instruments Of Record—			
Cannot Put Into One Book	C. W. Blackwell	May 21	334
19 Year Old—Notary Public	John Puryear	May 24	348
Instruments of Title—Preparor's Name/ Address Required	Thomas Rountree	June 7	46
Written Appearance Bond—Drivers License	Walter Hayden	June 14	152
PROBATION OFFICERS			
Salary Increase—LEPA Funds	Ira Weissinger	Apr. 4	98

Subject	Addressee	Date	File No.
Probation Officer Salary— When Court Appointed	Ronald Green	June 17	351
PROPERTY			
Land Sale—Delinquent Tax—Time Sequence	Charles Howard	Apr. 25	305
Disposal School Property— Nominal Consideration	Donald Stewart	May 13	34
Land Title Instruments— Consolidate Into One Book	C. W. Blackwell	May 21	334
Instruments Of Title— Name/Address of Preparor	Thomas Rountree	June 7	46
State Agencies—Purchase From "Equipment" Classification	A. W. Steineker	June 5	Exam. of Pu. Accounts
County Agencies—Property Reappraisal Expense	Ruben Porch	June 27	378
PUBLIC HEALTH DEPARTMENT			
Sales Tax—Purchases By Nursing Home— Medicaid	Paul Robinson	June 20	Pub. Health Dept.
May Close Private Oyster Beds—Pollution	Ira Myers	May 1	Pub. Health Dept.
Baked Goods Sale—Civic Groups	Richard Shelby	May 13	155
PUBLIC SAFETY DEPARTMENT			
Driver's License—Appearance Bond	Robert Newman	Apr. 15	287
PUBLIC SERVICE COMMISSION			
Pulpwood Chips—Motor Carrier Act	Kenneth Hammond	Apr. 15	P.S.C.

Subject	Addressee	Date	File No.
	— R —		
REAPPRAISAL			
County Agencies—Property Reappraisal Expense	Ruben Porch	June 27	378
RETIREMENT SYSTEMS			
Half Payment For Sick Leave—Retirement	Robert Weller	Apr. 19	Ind. Rel. Dept.
Mobile County Remits Funds—Administrative Error	Maury Friedlander	Apr. 19	49
Mobile City Cannot Remit—City Bus Lines, Inc.	Fred Collins	Apr. 30	301
Benefits—Supernumerary Clerk	Harrison Hill	June 14	364
Make Up Contributions—Military Service	David Bronner	June 10	Retirement Systems
Participation—City's Condition of Employment	E. S. Enoch	June 10	383
REVENUE			
Motor Vehicle Tag Receipts—Postage	Charles Boswell	May 7	Revenue
REVENUE SHARING			
Circuit Clerk on Fee System—Cannot Use	Fred Gray	Apr. 4	141
ROADS, HIGHWAYS AND BRIDGES			
County Cannot Construct—Road in Georgia	James Avary	June 26	13

Subject	Addressee	Date	File No.
	— S —		
SALARIES			
Education Study Commission—			
Contract Employees	Joe Dawkins	Apr. 12	Educ. Study Comm.
Salary of Register—Special Electiion	Conrad Fowler	Apr. 17	288
Teacher—$500 Penalty Outside Field	Paul Hubbert	Apr. 19	Tenure Comm.
Circuit Judges—County Supplement	G. H. Wright		
	L. J. Tyner	Apr. 17	285
Increase During Term—Appointed Officials	R. G. Cook	May 15	312
Bd. of Equalization—Expense Allowances	J. P. Faulk	May 17	345
Probation Officers—			
Juvenile Court Appointees	Ronald Green	June 17	351
Bd. of Barber Examiners—			
Work With Another Agency	Martin Durden	May 24	Bd. Barber Exam.
Dislocated Teachers—Desegregation Orders	Paul Hubbert	June 18	Tenure Comm.
Youth Services Board Member—Legislator	Robert Hill	May 20	395
SARALAND, CITY OF			
Construction Contractor—			
License Classification	Richard Prescott	June 17	354
SAVINGS AND LOAN ASSOCIATIONS			
Retirement and Disability—			
Program Payments—Garnishment	Lehman Lewis	May 22	Banking Dept.
Consumer Credit Act—Section 11	Lehman Lewis	May 7	Banking Dept.

Subject	Addressee	Date	File No.
SCHOOLS			
Student—Removal From School	John Fulmer	Apr. 17	284
Salary Increase During Term—Appointed Officials	R. G. Cook	May 15	312
Cannot Convey School For "Nominal Consideration"	Donald Stewart	May 13	34
SECRETARY OF STATE			
U.C.C. Files—Lapsed Statements	Mabel Amos	May 31	Sec. of State
SHELBY COUNTY			
Execution of Writs—Inferior Court	Claude Kelley	May 15	Conservation Dept.
Forest Land Fee—Act 1000	Thomas Snowden	June 26	391
SHERIFFS			
Travel Expenses—Sheriffs' Fund	Melvin Bailey	Apr. 17	249
Escape Attempt—County Pays Medical Bills	Doss Leak	May 8	308
Auxiliary Deputies—County May Buy Uniforms	Thomas Rountree	May 17	46
Execution of Writs—Shelby County	Claude Kelley	May 15	Conservation Department
Prisoner Food—County Allowance	Fred Davis	May 28	355
STATE PARKS			
Skilled Personnel Services—Lake Guntersville Park	Claude Kelley	Apr. 9	Conservation Dept.

Subject	Addressee	Date	File No.
Canyon Land Easement—DeSoto State Park	Claude Kelley	June 18	Conservation Dept.
STATE SUPERINTENDENT OF EDUCATION			
Title 52—Joint Action With State Board of Education	Leroy Brown	Apr. 2	Education Dept.
STATE TRAINING SCHOOL FOR GIRLS			
Trustees Hire and Fire Employees	C. F. Collisson	May 9	124
SUPERNUMERARY POSITIONS			
Terms of Employment— Set By Decatur Personnel Board	Harrison Hill	June 14	364
— T —			
TALLADEGA COUNTY			
Branch Banking—Town of Munford	Albert Rains	June 7	336
Surplus Basket Fishing License Funds	Kyser Leonard	June 17	367
TAX ASSESSORS			
Ad Valorem Exemption— Valley Garden Foundation	Howard Moore	Apr. 11	291
Ad Valorem Exemption— Housing Foundation of Huntsville	Howard Moore	Apr. 11	291
Clerical Help—Replatting Property	T. M. Brantley	May 2	206
Clerical Help—Replatting Property	Berneal Brock	June 21	16
Shelby County—Forest Land Fee	Thomas Snowden	June 26	391

Subject	Addressee	Date	File No.
TAX COLLECTOR			
Land Sale For Taxes—Time Sequences	Charles Howard	Apr. 25	305
TAXES			
Premium Tax—Non-Profit Corps.—Mental Health Fund	Fred Zeigler	Apr. 18	Comptroller
Pickens County—Sales Tax For Hospital	Robert Kirksey	June 7	227
Dothan Vehicle Tax—5 Mills	R. J. Stembridge	May 29	361
Mobile Greyhound Park—Liquor Tax Exemption	Henry Steagall	Apr. 17	384
Sales Tax—Nursing Home—Medicaid	Paul Robinson	June 20	Public Health
Vehicles Leased To Postal Service	James Strong	June 19	392
TEACHERS			
Medical Insurance Plan—Act 384	Paul Hubbert	Apr. 4	Tenure Comm.
Defense Fund—School Board	Paul Hubbert	Apr. 1	Tenure Comm.
$500 Penalty—Teaching Outside Field	Paul Hubbert	Apr. 19	Tenure Comm.
Mementos—Retiring Teachers	Ed Arnold	May 13	314
Absent For Jury Duty—Must Be Paid	Sam Jones	May 29	321
Minimum Program Fund—Board Pays Supplement	L. N. Payne	June 5	366
Attendance in Court—Pay If On Leave	Sam Jones	June 24	321
TENURE COMMISSION			
Medical Insurance—Act 384	Paul Hubbert	Apr. 4	Tenure Comm.
Defense Fund—Teacher Sued	Paul Hubbert	Apr. 1	Tenure Comm.
$500 Penalty—Teaching Outside Field	Paul Hubbert	Apr. 19	Tenure Comm.
Dislocated Faculty—Desegregation Orders	Paul Hubbert	June 18	Tenure Comm.

Subject	Addressee	Date	File No.
TRAFFIC			
Driver License Surrender—Appearance Bond	Robert Newman	Apr. 15	287
License Surrender Not Required	Walter Hayden	June 14	152
City May Close Street—Title 56	F. J. Allen	June 20	370
— U —			
UNIFORM COMMERICAL CODE			
Commercial Credit Corp.—			
Financing Statement Not Subject	Myrtle Green	May 3	295
Lapsed Statements Files	Mabel Amos	May 31	Sec. of State
UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT			
Support Ends at 21	Fred Simpson	Apr. 30	299
UNIONS			
Work Release Program—Prisoner May Join	James Evans	Apr. 26	350
URBAN RENEWAL			
City May Close Street	F. J. Allen	June 20	370
UTILITY BOARDS			
Bankrupt Company—City Accepts Diminished Amount	David Hyde	Apr. 5	133
Water System Directors—Salary	Warren Aaron	Apr. 5	279
Subject to Competitive Bid Law	Dennis Porter	May 3	306
City Ordinance—City Manager Controls	Wade Baxley	Apr. 19	310
Garbage Fee—Police Jurisdiction	Raymond Elwell	May 27	347

Subject	Addressee	Date	File No.
	— V —		
VOTER REGISTRATION			
Divorcee Uses Legal Name	S. A. McDaniel	Apr. 19	302
	— W —		
WARRANTS			
Felony Warrant—Circuit Court Cannot Issue	Cecil Reed	Apr. 4	277
Salaried Circuit Clerk—Warrant Fee	R. L. Foster	Apr. 2	134
Controlled Substances—ABC Agents	Henry Gray	May 10	ABC Bd.
WATER WELL STANDARDS BOARD			
Proxies For Board Members— Not Permitted	W. T. Willis	June 6	Water Well Standards Bd.
WELCOME CENTERS			
Contract—Specialized Personnel	Doug Benton	June 10	357
WINE DISTRIBUTORS			
Wholesalers—Military Bases	Henry Gray	June 14	ABC Board
WORK RELEASE CENTERS			
Perishable Foods— Exempt Competitive Bid	L. B. Sullivan	Apr. 29	Corrections

Subject	Addressee	Date	File No.
City May Employ Prisoners—Labor Unions	James Evans	Apr. 26	350
CAN Foundation, Inc.—Payment	L. B. Sullivan	June 13	Corrections
	— Y —		
YOUTH SERVICES ACT			
Board Members Compensation	Robt. Hill	May 20	395
	— Z —		
ZONING			
Subdivision Plats—Recordation	Hoyt Weathers	Apr. 29	309
Airport Hazard Area—Who Defines	Bill King	Apr. 22	175
Board of Adjustment— Offices in Residential Zones	Horace Powell	May 17	271